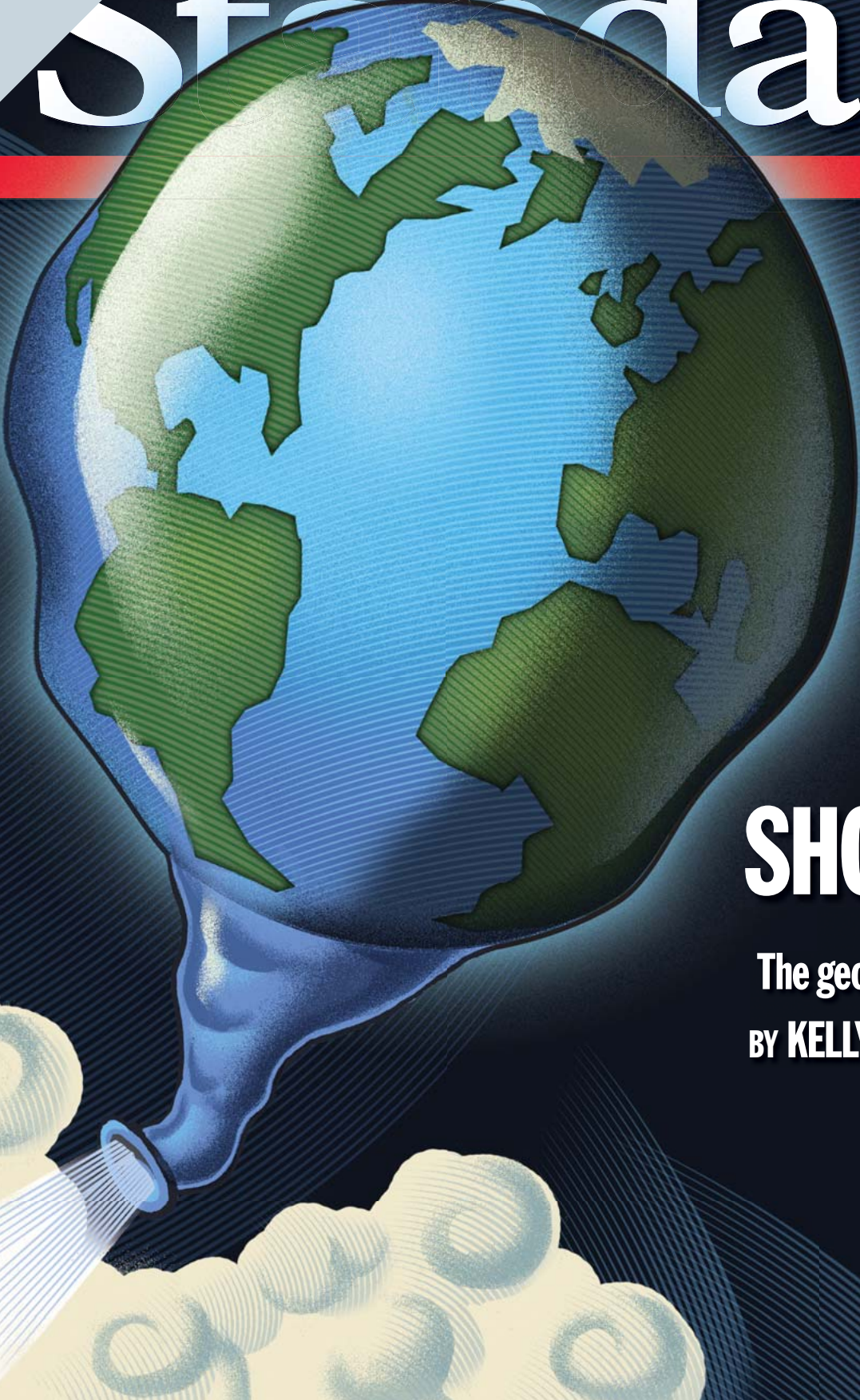


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"JESUS' WIFE"?  
CHARLOTTE ALLEN

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COVER BY CHRIS GALL

# ‘Meet the Press’ on the Couch

One of the stranger stories floating around Washington at the moment is the news, first reported in the *Washington Post*, that NBC is so concerned about the ratings collapse of its Sunday-morning talk show, *Meet the Press*, that it hired a “psychological consultant” to interview the friends and family of host David Gregory (in the words of a network spokesman) “to get perspective and insight from people who know him best.” What, exactly, NBC intended to do with that perspective and insight was not explained; but *Meet the Press* continues to fall behind its network competitors in the ratings.

THE SCRAPBOOK must declare that it has no interest in the outcome here. David Gregory is no more or less arrogant and self-infatuated than most of his on-camera colleagues; and while conservatives tend to be annoyed by his evident left-wing bias, this does not exactly distinguish him from the bulk of his brethren. If the problem with *Meet the Press* is determined to be David Gregory, then NBC will deal with the problem in the usual way.

What has intrigued us, however, is that almost every account of the David Gregory crisis compares him unfavorably with his *Meet the Press* predecessor, the late Tim Russert, whose long tenure on the program (1991-2008) is regarded as its golden age. No allowance is made for the rise of the Internet, with its alternative sources of news and information,

or changes in TV viewing habits in the years since Russert’s death. It is not entirely clear, to THE SCRAPBOOK at least, that even Tim Russert could have succeeded where David Gregory is failing.

There is also the problem of Washington’s collective memory, which is seldom longer than a decade or so. In

and asked questions designed to elicit information and clarify issues.

All of that changed when Tim Russert arrived at *Meet the Press* after years of service to various Democratic politicians. Like many late-blooming journalists of his generation, Russert tended to think of himself as a competitor rather than teacher or inquirer: The point was not to learn how Senator So-and-So thinks but to score points against Senator So-and-So in debate. Russert’s specialty was comparing past quotations with present positions, and demanding an explanation: If a politician changed his mind, he had not evolved, or been influenced by events, but had “flip-flopped”—evidently a bad thing. The focus of *Meet the Press* changed, over time, from issues and policy to its host’s omnipotent status.

Which, in the long run, is always dangerous for journalists. And makes poor David Gregory an unwitting victim of Russert’s success. Sure, he’s obnoxious and peremptory and tendentious and self-absorbed; but once upon a time, and very briefly, that was a winning formula.

Now we live in an environment where the number of David Gregorys is nearly infinite, and viewers/readers/listeners can pick and choose at will. This fact of modern life may not be evident to NBC’s psychological consultant, but *Meet the Press*’s ex-audience knows it well. ♦



Why don't they like him?

past decades, *Meet the Press* was dominant in the ratings because, unlike its competitors, it had been around for a very long time (since 1947) and, until the advent of Russert, had never strayed from the formula invented by its founder, sometime panelist, and host until 1975, a journalist named Lawrence Spivak. Spivak was an entirely unprepossessing individual—beak-nosed, bespectacled, with a slightly high-pitched voice—who regarded his mission as serving viewers, not exalting Lawrence Spivak,

quarters. Now there’s no particular reason anyone should really care about this book. Taibbi is the corporeal confluence of every unpleasant journalistic trend imaginable.

AP IMAGES

## The Gap

Last week, a press release landed in THE SCRAPBOOK’s inbox informing us that author Matt

Taibbi would be talking about his new book, *The Divide: American Injustice in the Age of the Wealth Gap*, at an event hosted at the American Federation of Teachers (AFT) head-

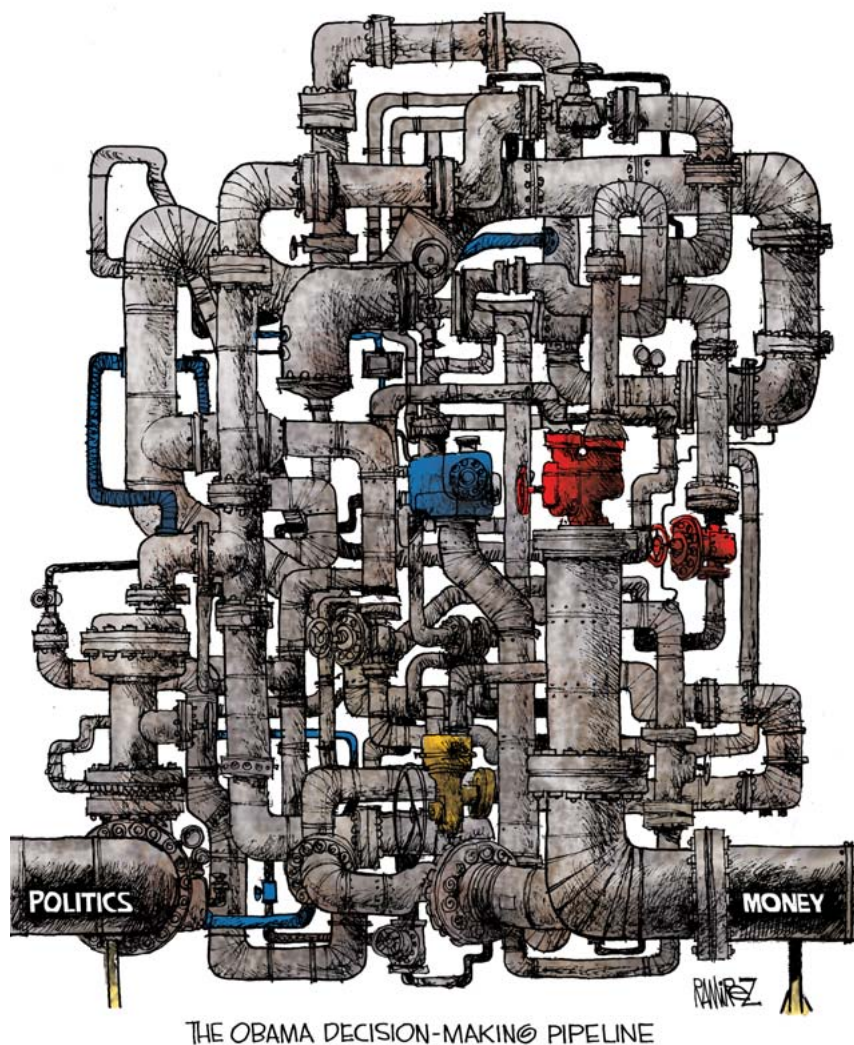


He's long considered vulgarity a sport and solidified that reputation as the author of an article called "The 52 Funniest Things About the Upcoming Death of the Pope." (The piece was written in the last days of John Paul II, and trust us, it's even less funny than it sounds.) Nonetheless, the transgressive derring-do required to say insulting things about Christians and Republicans for no apparent reason earned Taibbi a number of high-profile gigs. Most recently he left the desiccated husk of *Rolling Stone* to join Glenn Greenwald's the *Intercept*, which we gather is a niche quarterly devoted to Edward Snowden apologetics.

Since we suspect that the worst thing we could do to Taibbi is praise him, we will note that he has matured in recent years and has made waves by directing his ire at such targets as Thomas Friedman and Wall Street, two perfectly worthy subjects for vitriol. Friedman's *New York Times* column is increasingly an embarrassment, and we suspect that even hardcore Tea Partiers share Taibbi's disgust with the opulence and recklessness of American financiers. Taibbi's recent book is concerned with hedge-funders fleecing public pension funds, and that complaint is not without merit.

However, if you want to discuss income inequality, you must also necessarily discuss the role some unions play in exacerbating it. And by extension, that means you should really care about education reform. Which brings us to the mind-warping display of hypocrisy required to host a book on "the wealth gap" at the Washington headquarters of America's second-largest teachers' union.

After being under federal investigation his entire term for running a dirty campaign (which resulted in several arrests), Washington, D.C., mayor Vincent Gray recently lost the Democratic primary and is on his way out. Gray was elected to replace Mayor Adrian Fenty in 2010 after just one term. Besides illegally funneling money from wealthy developers into his campaign, Gray won his mayoral



election largely because the AFT and its affiliate, the Washington Teachers' Union, spent over \$1 million to oust Fenty. Fenty had crossed the AFT because he made the mistake of bringing in a nationally known education reform figure, Michelle Rhee, to fix D.C.'s schools.

By several objective measures, Washington, D.C., has the worst public schools in the nation while managing to spend the most money per pupil. Among other unforgivable transgressions against the AFT, Rhee wanted to fire the city's incompetent teachers and test children to see if they were actually learning. And it's not even up for debate that the D.C. teachers'

union is corrupt. A few years before Fenty and Rhee tried (and failed) to fix D.C. schools, a coterie of Washington Teachers' Union officials were caught embezzling \$5 million to buy designer goods, furs, and artwork and to underwrite lavish vacations.

So if you're going to write a book railing against selfish avarice creating income inequality, by all means complain about Wall Street. But it's a bit rich to then promote that book with "heavy hors d'oeuvres" at the headquarters of an organization whose primary accomplishment these days is enriching themselves at the expense of giving poor kids a remotely competent education. ♦

## It's All in the Name

The names of cities are not static. Even old New York was once New Amsterdam, as the song goes. And now it's Istanbul, not Constantinople. What once was known as St. Petersburg became Petrograd in 1914, and then Leningrad in 1924—only to revert to St. Petersburg after the fall of communism. (One wonders whether it will be rechristened Putingrad in the not-too-distant future.)

And at some point around the time of the Spanish Inquisition, a Castilian village known as Castrillo Matajudios (Matajudios meaning “Jews Hill”) was renamed Castrillo Matajudios (Matajudios meaning “kill Jews”). The reason for the name change is lost to the sands of time, though the AP notes that “researchers believe the town got its current name from Jewish residents who converted to Catholicism and wanted to convince Spaniards they opposed Jews.” Shrewd!

Fast-forward a few hundred years,

and the town's 56 current residents are to hold a referendum on May 25, when they'll decide whether to revert to the older, and far less offensive moniker. The name, after all, has been the cause of some awkward moments. “There are always the stories of people from here traveling to Israel with a passport that says Matajudios and wishing they didn't have to show it,” the town's mayor told the media. But even “Jews Hill” sounds a little . . . odd to the modern ear. To really show their philosemitic tendencies and make amends, perhaps the town's residents could adopt a new name altogether. Castrillo Matanazis has a nice ring, doesn't it? ♦

## Sentences We Didn't Finish

‘The state of Massachusetts doesn't recognize three-way marriage—but . . .’ (“Married lesbian ‘throuple’ expecting first child,” *New York Post*, April 23). ♦



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# The Reluctant Bibliophile

I'm pleased to report that I've just returned from the Evanston Public Library saleroom empty-handed. The saleroom is off the main lobby and contains used books, donated to the library, which sell for a mere 50 cents. Not all the books in the saleroom are serious—junky novels predominate—but a fair number of superior books show up. The library is less than a block from my apartment. When passing it, I find it difficult not to step inside to check the saleroom for a book I don't need but nevertheless buy.

The reason I say I'm pleased to have returned empty-handed is that I already have enough unread books around my apartment, as the English say, to see me out. Old habits, though, die hard; and my habit of acquiring books doesn't seem to die at all. How can I not check the saleroom? I mean, 50 cents, for heaven's sake, and for some genuinely splendid books!

Before I mention some of them, I ought to make clear that it feels slightly odd, not to say antiquated, to be buying books nowadays. Collecting books in the age of the Kindle, the iPad, and the smartphone—I have a friend who read *War and Peace* on his smartphone—begins to feel a little like collecting buggy whips or anvils.

I love books, their feel, smell, design, but I do not require a large personal library. Twice, in fact, I have broken up my library, lest it take over the apartment. I told myself that for every new book I brought home I would get rid of one already in my possession. I haven't quite lived up to this rule. I do, though, continue to eliminate books that I've read and am fairly certain I shall not need to read, or even consult, again. I don't believe a book has any special value because I happen to have read it. I'm not, that is to say,

in the least sentimental about books.

My rough guess is that I currently own 700 books. Among serious bibliophiles this is small beer. (When my friend Edward Shils died in 1995, he left a library in his Chicago apartment of 15,000 books, and had another 6,000 in his small house in Cambridge in England.) I've kept 90 or so volumes from the Library



of America, the books of my favorite writers (Gibbon, Tolstoy, Henry James, Proust, George Santayana, Max Beerbohm, Thomas Mann, and Hugh Trevor-Roper), and books on subjects in which I have a continuing interest (Greek history and philosophy, French literature, modern poetry up to 1960 or so), and the books of friends. Enough here, one would think, to keep a fellow busy.

Why, then, does a small marimba band begin playing softly in my heart when, at the Evanston Library saleroom, I see a paperback copy of J.P. Nettl's biography of Rosa

Luxemburg? Why am I so pleased on another day to discover Isaac Bashevis Singer's *In My Father's Court*, which I read perhaps 30 years ago, and *The Rape of Tamar*, by my friend Dan Jacobson, which I've never read? Two volumes of Lewis Namier show up—irresistible. Ah, me, a clean hardcover copy of Eugène Fromentin's *Les Maîtres d'Autrefois*; I already own a copy of the book in English, but you can't have too many copies of a minor classic, I always say. (What do you always say?)

Am I likely to read the two thick Liberty Press volumes of Adam Smith's *An Inquiry into the Nature and Causes of the Wealth of Nations*? A good chance not, though I buy it all the same. What have we here: *The Collected Stories of Caroline Gordon*, the wife of Allen Tate, and the travel writings in paperback of Bruce Chatwin. Go for it, a small wicked voice within me cries out, and I do.

Clearly, I am a man with a problem. How else would you describe someone who has taken home from the Evanston Library saleroom at least five copies of H.W. Fowler's *Modern English Usage*, three of which I've given away to people sensitive to language who have not hitherto heard of Fowler. These are books, I reason, that deserve a good home.

The remainder of my reading life should be devoted to filling in the gaps of the great books I've not yet read or rereading those I read too young and with too little understanding. Yet I continue to acquire new books. At what point does bibliophilia turn into bibliomania? I fear I may have reached it. So if you happen to see a mild-looking little man descending the steps of the Evanston Library, a copy of Tarn and Griffith's *Hellenistic Civilization* and of Michael Millgate's hefty biography of Thomas Hardy under his arm and a complacent smile on his face, proceed cautiously. He is probably not dangerous though undoubtedly mad.

JOSEPH EPSTEIN

# The Closing of the Academic Mind

From Brandeis on the Atlantic to Azusa on the Pacific, an iron curtain has descended across academia. Behind that line lie all the classrooms of the ancient schools of America. Wesleyan, Brown, Princeton, Vassar, Bryn Mawr, Berkeley, Bowdoin, and Stanford, all these famous colleges and the populations within them lie in what we must call the Liberal sphere, and all are subject in one form or another, not only to influence but to a very high and, in many cases, increasing measure of control from the commissars of Liberal Orthodoxy. . . .

How can one resist the chance to echo Churchill's Iron Curtain speech? Okay, it's not a precise analogy. It's true that liberalism isn't communism. It's true that today's liberals deploy the wet blanket of conformity rather than the clenched fist of suppression. It's true that communism crushed minds, while today's liberalism is merely engaged in closing them. And it's true that most of the denizens of our universities, unlike the peoples of Central and Eastern Europe, embrace their commissars. But commissars they are.

On April 8, the admirable human rights campaigner Ayaan Hirsi Ali had an honorary degree from Brandeis University revoked because some of her criticisms of Islamism—and yes, even (God forbid!) of Islam itself—were judged by that university's president “inconsistent with Brandeis University's core values.” Apparently two of Brandeis's core values are cowardice in the face of Islamists and timidity in the face of intolerance. Less than two weeks later, on April 21, an appearance by the formidable social scientist Charles Murray at Azusa Pacific University was canceled by its president, two days before Murray was to have appeared. The administration was afraid Murray's presence on campus might hurt the feelings of some Azusa students and faculty. The same day, at Eastern Connecticut State University, a professor told his creative writing class that Republicans are “racist, misogynist, money-grubbing people” who “want things to go back—not to 1955, but to 1855,” and that “colleges will start closing up” if the GOP takes control of the Senate this November. If only!

What's striking about all three episodes isn't so much the illiberal complaints of professors and students. It is the pathetic behavior of the university administrators. Thus, a spokesperson for Eastern Connecticut State University explained, “Our faculty has academic freedom to conduct their classes in whatever way they choose, this is not a university matter.”

So what a professor says in the classroom “is not a university matter”? Apparently not. On the other hand, it turns out that the administrators of a Jewish university in Boston, a Christian school in California, and a state college in Connecticut are in agreement about what is a “university matter”: protecting the “university community” from discomforting thoughts.

In an open letter to the students of Azusa Pacific University, Charles Murray wrote, “Azusa Pacific's administration wants to protect you from earnest and nerdy old guys who have opinions that some of your faculty do not share. Ask if this is why you're getting a college education.” The question is worth asking. Students and their parents should ask it. But the honest answer from the groves of academe would be: Well, now that you ask . . . yes.

In her statement on Brandeis's withdrawal of its honorary degree, Ayaan Hirsi Ali noted, “What was initially intended as an honor has now devolved into a moment of shaming. Yet the slur on my reputation is not the worst aspect of this episode. More deplorable is that an institution set up on the basis of religious freedom should today so deeply betray its own founding principles. The ‘spirit of free expression’ referred to in the Brandeis statement has been stifled here.” But the founding principles of Brandeis are no longer its governing principles. The spirit of free expression is not the spirit of Liberal Orthodoxy. And it is the illiberal spirit of Liberal Orthodoxy that dominates, that governs, that controls our colleges and universities.

But there is an alternative to Liberal Orthodoxy. It is liberal education. Liberal education can be pursued today, as it has been for most of history, outside the official “educational” institutions of the society. Those institutions



*Ayaan Hirsi Ali*

have embraced their closed-mindedness. But that doesn't mean the American mind has to close. There is a great country out there beyond academe. In it, free speech can be defended and real education can be supported. Liberal education can be fostered even if the academy has become illiberal. The fact that our colleges and universities have betrayed the cause of liberal education means the rest of us have the grave responsibility—but also the golden opportunity and the distinct honor—to defend and advance it.

—William Kristol

## Who Profits?



Senator Lamar Alexander

A raft of new Education Department regulations has been bobbing among the roiling waters of American higher education for nearly a month now, and perhaps the most sensible reaction to the controversy comes from Sen. Lamar Alexander—a former governor, college president, and secretary of education. His simple but elegant option: Stop. Then start over.

The new rules work the way government regulations often do. They address a genuine if relatively small problem with a large and bafflingly complicated solution aimed at one business sector currently disfavored by government while leaving another sector, as needful of reform but favored by government, entirely alone. Just another day at the office.

The unlucky targets of the regulations, which have been in process since not long after President Obama took office, are the nation's roughly 3,500 proprietary colleges and universities. "Proprietary" is the term that these privately owned and operated businesses prefer to use to describe themselves. The regulators prefer to call them "for profit" colleges and universities. "He who controls the language controls the issue" is a timeless maxim of Washing-

ton disputation. Regulators and activists—and journalists, too, of course—use the phrase "for profit" to suggest that something vaguely disreputable is going on. Moneymaking to the progressive mind is grubby and low class, so distant in spirit from the pristine, rarefied air of *real* education.

What the for-profits do is not pristine or rarefied, but it is necessary and in a way even noble. They correct a failure in the higher education market by serving nontraditional students that other post-secondary schools haven't reached. Today more than 13 percent of the students enrolled in degree-granting post-secondary schools attend a for-profit program. As a group the students are heavily weighted toward what the trade calls nontraditional: veterans, oldsters, the disabled, single mothers, and people who are already employed but seeking new jobs in new fields. The vocational schools and community colleges that would normally have been expected to serve them are at capacity already and in many cases shrinking. California, for instance, cut more than a half million students from its community college system between 2009 and 2012.

The proprietaries have strengths and weaknesses compared with their public counterparts. They are more flexible in meeting the irregular needs of nontraditional students, in scheduling and location and the ability to adjust to new kinds of jobs and new technological demands. At for-profits the completion rates for one- and two-year certificate programs are nearly 10 percent higher than in comparable public schools. At the same time, the rate at which students default on their (taxpayer-guaranteed) student loans is scandalously high: 26 percent, compared with 10 percent at community colleges and 4 percent for four-year students. Like most other businesses—even nonprofits!—the trade has drawn its share of con-men and bunco artists.

From these unhappy facts—and from a rich store of real anecdotes—activists and their surrogates in the bureaucracy have formed a caricature of a rapacious, fly-by-night industry urging the little people to take on loads of debt, snuffing up piles of government loans and grants, and then leaving them helpless, with worthless degrees, no job prospects, and loans they have no hope of repaying. The caricature is four parts ideology to one part fact, but it serves its purpose of legitimizing the federal intervention that activists and bureaucrats have agitated for.

The intervention here is 841 pages of draft regulations issued for public comment last month. They are endlessly, mysteriously, often pointlessly complicated. To simplify as much as possible: The government will effectively shut down for-profit programs that don't meet its newly minted criteria for acceptable levels of student debt. A school's average student debt, for example, may not exceed 8 percent of students' total income or 20 percent of their disposable income, even if they pay back their loans in full and on time. Any school with a student-loan default rate higher



than 30 percent will no longer be eligible for the loans, putting it out of business. The new restrictions, says Education Secretary Arne Duncan, will likely shutter 20 percent of for-profit programs and place another 10 percent on a path to closing. Note that traditional nonprofit schools are exempt from the new rules, regardless of their student debt levels or default rates.

The new regulations will force many schools away from nontraditional students toward those—whiter, richer, younger—who pose less risk of default. Students who want to prepare for valuable but low-paying jobs in education or social work will have more difficulty finding a program to train them. Duncan's regulators are silent on where the nontraditional students are supposed to go. The rules will severely restrict the variety and flexibility of higher education options, and the market failure that the for-profits are meant to correct will reassert itself. As the Harvard economist David Deming told the *New York Times*, the proprietaries "are reaching students in a different way, opening in places where there are no community colleges. They are filling in the cracks." The cracks will reopen.

Perhaps most galling of all, the caricature of for-profits that undergirds the new rules—of a rapacious industry encouraging students to take on mountains of debt for worthless degrees—can be applied, with equal force, to many nonprofit colleges and universities too. Both sectors of the higher education industry have become ravenous creatures of the federal government, hopelessly dependent for their survival on federally guaranteed loans and grants. While the regulators penalize the for-profits, the nonprofits are free to spend their guaranteed loans and grants on new athletic centers, lavish food courts, designer dormitories, world-class sports teams, and other First World amenities in hopes of attracting still more students who will, in turn, take on still more debt. The difference is that for-profits are candid about their goal of making money. Anyone who has walked across a handsomely landscaped traditional campus lately will recall the wise man's admonition: "Nonprofit" is a term of art in the tax code, not an operating philosophy.

Of course, we would do well not to romanticize the for-profit college industry. More rigorous self-policing might have saved it from the worst of the regulations' effects. And the biggest and most successful of the companies are owned in large part by Wall Street investment banks and hedge funds, not well known for their charitable outreach. But these guys do know how to play defense. They have spent lavishly on Washington talent to press their case to Congress, with varying degrees of knowledge and sincerity. The left-wing gadfly David Halperin has gleefully documented the range of celebrities whose pockets have filled with the industry's silver: from Colin Powell to Bob Kerrey to Lanny Davis to Wesley Clark to the education reformer Michelle Rhee. It's easy to view the dispute between the

for-profits and the buttinski educrats as another Battle of Stalingrad: Both sides deserve to lose. But the students don't, and they might if Washington wins.

The power grab by the education bureaucracy is best understood in procedural and institutional terms. It is an extension of the imperial style that President Obama has used ever since the Republican takeover of the House in 2010 made executive-congressional cooperation messy and unpleasant and, in most cases, impossible. The executive is seizing territory that is rightly Congress's—territory that should be shaped through political rather than bureaucratic means. Here as elsewhere, however, the administration doesn't want to be troubled with the messiness of democratic process. As one excited, if slightly indiscreet, activist put it when the regulations were issued: The best thing about them is "the plan can be implemented without any congressional involvement." How nice for the president and his regulators.

This is why Alexander's elegant solution strikes the right note. He suggests scrapping the new regulations altogether and addressing the loan-default problem in a new Higher Education Act. The act is where the department claims its statutory authority lies anyway. A reauthorization is already grinding its way through the Capitol Hill scrapple factory, and Alexander calls for a top-to-bottom rewrite rather than a revision around the margins. The principles of a new act, he says, were once explained to him by another university president: "Autonomy. Competition. Choice. Excellence." Who could argue? "And," Alexander goes on, "I would add one more—Deregulation." This is a spirit foreign to the existing Higher Education Act, and to the new regulations.

We can only admire Alexander's ambition. A rewrite will be a huge undertaking. But then higher ed—for-profit, nonprofit, or anywhere in between—is a huge business. If you'll forgive the expression.

—Andrew Ferguson

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## Colorblind Law

As Justice Harlan observed over a century ago, 'our Constitution is colorblind and neither knows nor tolerates classes among citizens.' . . . The people of Michigan wish the same for their governing charter. It would be shameful for us to stand in their way."

That's how Justice Antonin Scalia concluded his opinion last week in *Schutte v. Coalition to Defend Affirmative Action*. The quotation comes from the famous, solitary dissent by Justice John Marshall Harlan in the 1896 case of *Plessy v. Ferguson*, which sustained a Louisiana statute requiring racial segregation on passenger trains.

The Court has never held (as Harlan would have in *Plessy*) that the U.S. Constitution is “colorblind.” But in *Schuette* it refused to nullify Michigan voters’ decision to make their state’s governing charter colorblind by approving Proposal 2 in 2006. That is the welcome, essential point of *Schuette*.

Proposal 2 was a response to the Michigan affirmative action cases decided in 2003, in which the Court constrained but did not eliminate the use of race in college admissions. Proposal 2 states that Michigan and its agencies “shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, and public contracting.” Note that the amendment applies broadly, beyond education, to public employment and contracting.

A group defending race-based affirmative action challenged the law, losing in the district court but winning on appeal in the Sixth Circuit by a vote of 8-to-7. Invoking Supreme Court precedents of dubious force, the appeals court said that Proposal 2 violated the Fourteenth Amendment’s equal protection clause by reordering the political process in a way that places “special burdens” on minority interests.

Now the Supreme Court has deemed otherwise, in a ruling that generated five opinions. Justice Anthony Kennedy, author of the lead opinion joined by Chief Justice John Roberts and Justice Samuel Alito, wrote that the Sixth Circuit’s reading of the precedents “must be rejected” since it “would contradict central equal protection principles”—by indulging the use of “impermissible racial stereotypes,” such as that members of the same racial group think alike and share the same political and legislative interests. Justice Scalia would have overruled the precedents, which he declared “patently atextual, unadministrable, and contrary to this Court’s traditional equal-protection jurisprudence.”

Justice Sonia Sotomayor basically agreed with the Sixth Circuit in a lengthy dissent. The majority of Michigan voters, she wrote, had reconfigured “the existing political process . . . in a manner that burdened racial minorities,” such that supporters of race-preferential admissions (she calls them “racially sensitive” admissions) must amend the state constitution to overturn Proposal 2 before they can, in accord with “long established process,” lobby admissions directors and university trustees. But with Justice Elena Kagan recused, presumably because she worked on

*Schuette* when she was solicitor general, only one other justice, Ruth Bader Ginsburg, joined Sotomayor’s opinion, which actually accused the Proposal 2 majority of racial discrimination.

Kennedy’s bottom line—that nothing in the Constitution or the Court’s precedents empowers the judiciary to remove from Michigan voters the ability to decide whether to continue racial preferences—won the agreement of Justice Scalia in a concurring opinion joined by Justice Clarence Thomas. And Justice Stephen Breyer, who also voted to uphold Proposal 2, wrote separately, observing that “the Constitution foresees the ballot box, not the courts, as the normal instrument for resolving differences and debates” about the merits of “race-conscious programs.”

Thus, the final tally was 6-to-2. And it would be a mistake to think that *Schuette* is narrow in its reach. For while the justices’ opinions emphasized admissions in higher education, only Justice Breyer explicitly limited his opinion to such admissions.

For the other five justices in the majority, the ruling in *Schuette* would apply to the entirety of Proposal 2, including its provisions on employment and contracting.

It is useful to ponder what would be happening now had a majority of justices reached the opposite conclusion and ruled against Michigan voters. For one thing, groups would be filing lawsuits against the seven states whose voters have passed colorblind laws similar to Michigan’s. And for another, Michigan state officials would again be defining and sorting people into racial categories for the purpose of granting, as Justice Kennedy puts it, “favored status to persons in some racial categories and not others.”

*Plessy* was decided in the decade when Jim Crow was beginning its strange career. For Justice Harlan, the colorblind Constitution condemned legally enforced segregation. Today, colorblind law opposes government efforts to “divvy us up by race,” as the chief justice has put it, and to prefer some citizens of certain races over others of different races in allocating limited opportunities, such as seats in classes at an elite state university or government contracts for which companies must compete.

In *Schuette*, the Court doesn’t take sides on colorblind law. But it also doesn’t deny the voters of Michigan or any other state the ability to choose colorblind law. It declines to stand in their way.

—Terry Eastland

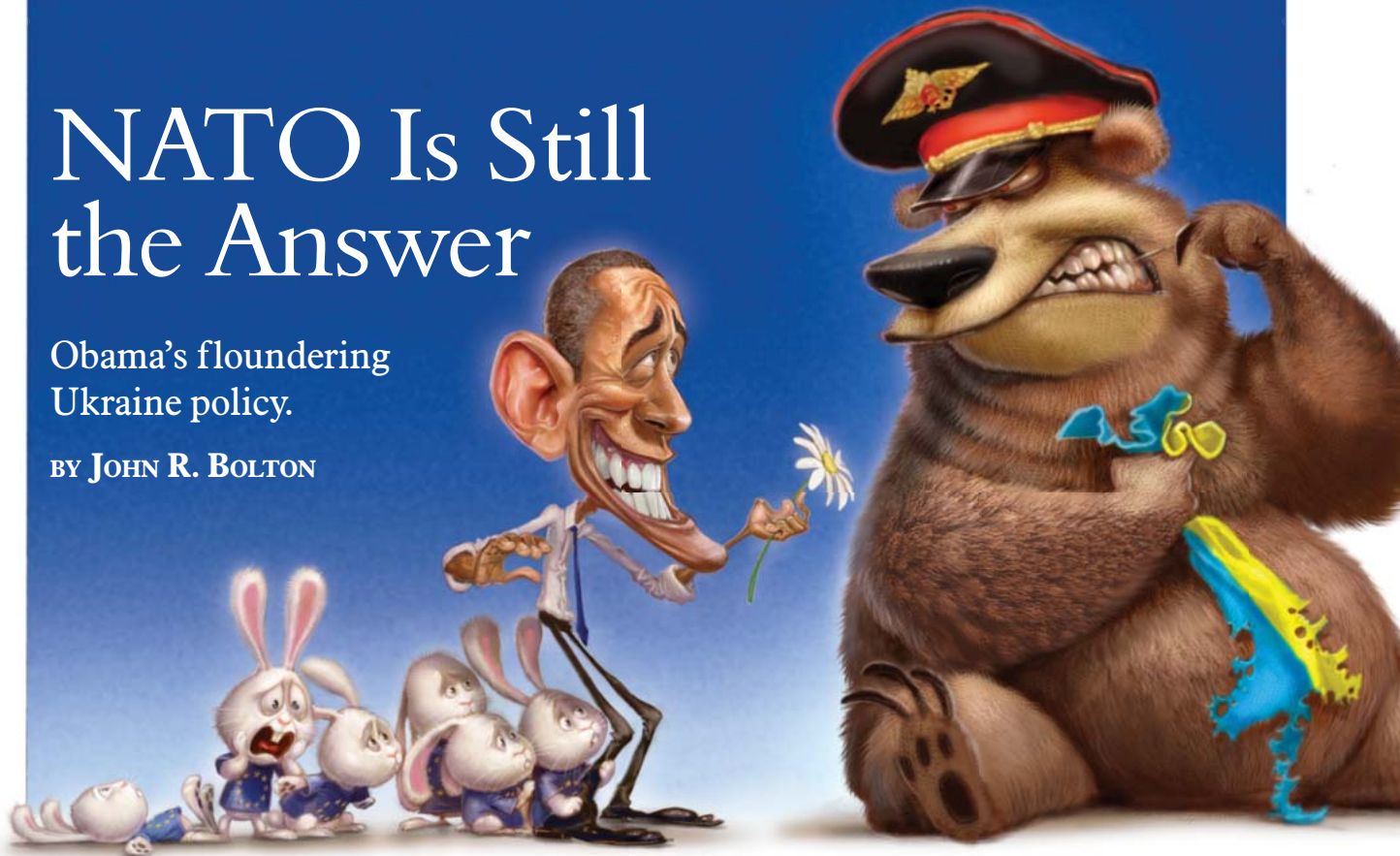




# NATO Is Still the Answer

Obama's floundering Ukraine policy.

BY JOHN R. BOLTON



**T**he continuing Ukraine crisis raises both a critical “what if?” question and a pressing policy issue. What if, in April 2008, the Europeans had not rejected President Bush’s proposal to bring Ukraine and Georgia onto a clearly defined path to joining NATO? And today, urgently, should we try again for NATO membership?

When the alliance’s 2008 Bucharest Summit rejected the U.S. plan for Ukraine and Georgia, the defeat was widely attributed to Bush’s unpopularity, stemming from the Iraq war, a convenient excuse for both Europeans and America’s media. The real reason, however, was Europe’s growing reliance on Russian oil and gas, and its barely concealed fear of Moscow’s response to NATO admitting two critical constituent parts of the former USSR.

Moscow has long understood Western cowardice. Just four months

after Bucharest, in a laboratory-like causal connection rare in global politics, Russia dramatically escalated its simmering conflict with Georgia, bombing its tiny neighbor and surging troops to within 30 miles of the capital, Tbilisi. Faced with a U.S. response that looks robust compared with our reaction today in Ukraine, Russia withdrew to Abkhazia and South Ossetia, the two provinces it most wanted to hive off, and hunkered down into the stalemate that Georgia still endures.

Then-candidate Barack Obama initially called for both Russia and Georgia to exercise restraint, a form of blindness and moral equivalence the Kremlin noted. (After intense criticism, Obama tried to walk back his first reaction.) With its term waning, and facing a daunting economic crisis, the Bush administration did little more for Georgia or Ukraine.

Obama, by contrast, entered office in 2009 on a wave of domestic and international popularity, shortly thereafter winning the Nobel Peace Prize for no apparent reason. He might well have contemplated the

long-term significance of Georgia and Ukraine, but he did not. Instead, intent on blaming Bush for problems in the U.S.-Russia bilateral relationship, Obama unveiled the “reset” button, exemplifying his new policy direction. Out went the national missile defense sites in Poland and the Czech Republic, and in came the lamentable New START arms control treaty (precisely the kind of Cold War thinking Obama would later deride). Other errors followed, including relying on Russian diplomacy to help oust Syria’s Assad regime and eliminate Iran’s nuclear-weapons program, neither of which Moscow had any intention of doing. After Obama induced Russia to support a Security Council resolution that led to the overthrow of Libya’s Qaddafi, Moscow concluded it would do Obama no more favors despite all his prior concessions.

Obama left Ukraine and Georgia to fend for themselves, ignoring the politico-military reality that Russia instinctively understood. He thereby left open the vulnerability that Bush had tried to close in April 2008. Many who now oppose robust U.S.

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*John R. Bolton, a senior fellow at the American Enterprise Institute, served as U.S. ambassador to the United Nations in 2005-06.*

GARY LOCKE



efforts to protect Ukraine from Russian depredation and partition assert that we have no serious interests there, and accordingly also reject any hint we might once again consider NATO membership. Yet, in the long term, joining the alliance is the only strategy that can realistically secure Georgian and Ukrainian sovereignty and keep alive the option of joining the West more broadly. Modest NATO force redeployments to nearby countries, signing near-meaningless political declarations, and multiyear commitments to strengthen economic ties with the West will do little to shift today's economic, political, or military advantage away from Russia and toward Ukraine and Georgia.

Some argue that NATO should never have admitted any ex-Warsaw Pact members, and most certainly should not have added former Soviet republics, because geography and history relegated these countries to Russia's sphere of influence. That argument has the virtue of consistency, but nothing more. In fact, it proves too much. One could as easily argue that Poland is in Germany's sphere of influence rather than Russia's. That kind of dispute, in short form, is why Europe saw two world wars in the 20th century. It is precisely to prevent such wars, and thus further effusions of American blood, that we bring otherwise vulnerable countries into NATO, thereby simultaneously protecting U.S. interests and stabilizing Europe.

NATO rightly rejected the untenable view, amounting to appeasement, that Central and Eastern Europe fall naturally and inevitably into Russia's sphere of influence, and that bringing them into NATO unnecessarily and unfairly provokes Moscow. NATO is and always has been simply a defensive alliance shielding those of like mind and interest. Russia has no claims strong enough or legitimate enough to justify its dominating unwilling neighbors.

As for the three Baltic republics, admitted to NATO in 2004, the United States never recognized the legitimacy of the USSR's snuffing

out their national independence to begin with. But having expanded into former Soviet territory, NATO paused, failing to pursue its own logic decisively. Leaving Ukraine and Georgia in a no-man's land between NATO and Russia was an invitation to meddling by Moscow, and ultimately to chaos and conflict. That is what we have now, and what Bush tried to forestall in 2008. Obama did not pursue Bush's proposal, in part because of his general lack of interest in U.S. national security issues; in part because he was pressing the "reset" button; and in part because he does not accept the basic premise that unity against aggression is the best way to ensure international peace and security.

In fact, in his September 2009 U.N. General Assembly speech, Obama said, "It is my deeply held belief that in the year 2009, more than at any point in human history, the interests of nations and peoples are shared. . . . No world order that elevates one nation or group or people over another will succeed. No balance of power among nations will hold." He clearly believed instead that the reset button would produce a more congenial Russia, and that there was no need for "Cold War" foreign policies. What is happening today in Ukraine proves how wrong he was.

NATO membership for Ukraine and Georgia undoubtedly carries risks, but no alternative policy can provide anything like the necessary security to stop further Russian interference. The Europeans missed an excellent chance to reduce the risks in 2008, and now, of course, they are even more dependent on Russian hydrocarbons than they were then. Ironically, perhaps Russia's increased economic power will finally put paid to the argument that greater commercial ties inevitably reduce the chances for war. In fact, expanded trade between Russia and the EU has enhanced Russia's leverage, not Europe's. This anomaly need not have materialized, and extraordinary opportunities certainly now exist to reverse or at least

neutralize Russia's oil and gas assets by once again making America a net energy exporter. Even announcing such a policy would be an economic disincentive to Russia, but Obama has done effectively the opposite throughout his presidency.

Had the Europeans backed Bush in 2008, we might well have deterred Russian military and political aggression in both Georgia and Ukraine. In truth, Europe's timidity is a real obstacle to a more assertive response to Russian aggression. But Obama's own weakness has created a vicious circle. European fears provide Obama with an excuse not to act, and the failure of U.S. leadership leaves Europe even more reluctant to respond effectively. It may be that Europe is not up to the task, but we will never find out if America does not first at least try to exercise leadership, which Obama has consistently failed to do.

The stakes are high for Ukraine and Georgia, but they are equally high for all the other former Soviet republics, which understand that if Russia continues to get its way, they will not be far behind. Further afield, no one is watching more carefully than China. Western failure in Ukraine will be palpable evidence to Beijing that ramping up its near-belligerent territorial claims in the East and South China Seas is likely to be met with little more than rhetorical American opposition. While other Asian countries affected by China's demands may not fold as easily as Europe, without Washington in the equation, there is little doubt what the end result will be.

U.S. political operatives tell us endlessly that our fellow citizens do not care about national security issues. Ukraine, however, has been one of many wake-up calls under Obama signaling Americans that protecting our country is critically important in its own right, whatever the politics. And skilled politicians, whether Hillary Clinton for the Democrats or Candidate X for the Republicans, will soon realize that what is good for the country is also good for their electoral prospects. ♦



# The Obamacare Opportunity

An opening for a genuine alternative.

BY JAMES C. CAPRETTA & YUVAL LEVIN

Obamacare's defenders are doing their best to sustain a triumphant mood these days. In the wake of the late-March surge in exchange enrollment, many proponents of the law have insisted it can no longer be rolled back. As the president put it in his April 1 Mission Accomplished speech announcing the enrollment figures, "The Affordable Care Act is here to stay."

But just as conservative assertions that the law would collapse of its own weight were premature, so too are today's liberal proclamations that the debate is over.

Clear-eyed opponents of Obamacare have long understood that once the Supreme Court upheld the law's individual mandate and President Obama secured reelection in 2012, it was going to be extremely difficult to unwind Obamacare before 2017. The replacement of Obamacare is going to require a sustained political effort.

But its defense is going to require a grueling effort from the left as well, and the president's insistence that the willingness of 2 percent of the population to enroll in public exchanges means the debate about Obamacare's viability is over suggests he understands how challenging that effort will be. The enrollment figures mean Obamacare has survived the self-inflicted wounds it suffered from the government's disas-

trous website design and implementation failures, but it hardly speaks to the law's more profound structural problems—which have always been the actual subjects of the debate the president wants to foreclose.

The past six months have taught us that the federal government can't even



*This is going to hurt.*

design a website properly, and that the kinds of private-sector experts called in to rescue the exchanges from their near-death experience are capable of impressive feats of resuscitation and redesign. Both of those lessons have something to tell us about where American health care should be going, and it's not what the law's champions would like to hear.

More important, these early months of implementation have made Obamacare's flaws clearer to the electorate. The president said the middle class would share in the benefits of his reform plan, with lower costs and more secure coverage. Instead, millions of middle-class families have

lost the insurance plans they liked and are now paying higher premiums for coverage they consider inferior. Large and small employers are making adjustments in their plans in response to Obamacare's taxes and regulatory requirements and are passing the higher costs on to workers in the form of greater cost-sharing and reduced access to care.

It is far from clear that the 8 million or so enrollees in Obamacare's exchange plans are happy to be there. Some were forced into these exchanges because their plans were canceled, and many others signed up for coverage despite the fact that they find their options unattractive. The truth is that Obamacare is pushing Americans into accepting its bureaucratic constraints through taxes and regulations, including the tax on remaining uninsured.

We should not be surprised that this kind of pressure can push people into signing up. But we should also not be surprised that it offends many Americans who resent being shoved into a government-restricted marketplace. And it seems likely that many more families will find themselves facing displacement, uncertainty, and unattractive options as many small businesses lose their pre-Obamacare coverage this fall and are forced to either spend more or end their employee coverage.

The lawless machinations used to temporarily delay the effects of some of these blows may soften the political pain for Democrats a little for now, and the transformation of Obamacare's "risk corridor" provision into a slush fund for payoffs to insurers to keep them cooperative may put off some of the trouble too, but both can only do so much. Voters see what's happening and consistently register their displeasure in opinion polls.

The awakening among voters to Obamacare's unpleasant realities has created a historic opportunity for the law's opponents. Citizens are

*James C. Capretta is a fellow at the Ethics and Public Policy Center and a health policy consultant. Yuval Levin, also a fellow at EPPC, is the editor of National Affairs and a contributing editor to THE WEEKLY STANDARD.*

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experiencing firsthand the effects of the growth of the liberal welfare state, and most don't like what they see. This puts them in a frame of mind to consider viable, practical alternatives. Conservatives must not miss this once-in-a-generation opportunity to present the public with a genuine alternative on health care—and thus also with a vision for reforming government more generally.

Recent polls demonstrate just how receptive the public would be to such a message, and just how much Republicans need one. In one mid-March poll by McLaughlin and Associates, for instance, only 32 percent of respondents said they wanted Obamacare to remain on the books. But when asked whether they would simply like to see it repealed or to see it repealed and replaced with a conservative alternative that aims to lower health costs and help people get coverage, only 16 percent chose repeal alone, while 44 percent (including 60 percent of Republican respondents, 43 percent of independents, and 31 percent of Democrats) chose repeal followed by a conservative alternative.

The good news is that a plan capable of galvanizing a strong center-right coalition has come into much clearer focus in recent months. The principles that need to drive reform are widely accepted among the law's opponents: promotion of a genuine, functioning marketplace for health insurance and health services; avoidance of undue disruption of pre-Obamacare insurance arrangements; a flexible and decentralized regulatory structure that encourages innovation in service delivery; state autonomy and flexibility; access for all Americans to affordable insurance that protects them from catastrophic medical expenses; and secure insurance for those with preexisting medical conditions. Simply put, to bring costs under control and thereby make coverage more widely available, the system needs a much greater market orientation, not more government control.

Several plans introduced in recent months by opponents of Obamacare—inside and outside of Con-

gress—adhere to these principles in different ways. But the plans with the greatest potential (in terms of both policy and politics) are those sponsored by Republican senators Richard Burr, Tom Coburn, and Orrin Hatch and the separate plan drafted by the 2017 Project, a nonprofit advocacy organization dedicated to promoting a conservative reform agenda.

These plans stand out because they embrace a realistic and practical approach to replacing Obamacare. Most important, they provide access to secure health coverage to all Americans without disrupting the employer-based health insurance system. They do this by embracing a tax credit for insurance for any household that does not have access to an employer-financed health plan. This is a matter of simple fairness. The tax subsidy for employer-paid insurance is very generous, but no such subsidy exists for persons buying insurance on their own. A credit would make available to low- and moderate-wage households who must buy coverage on their own a tax benefit comparable to the one for employer plans.

There are 160 million people in employer-based coverage in the United States, and the vast majority are happy with that coverage. No replacement plan will be viable if it looks likely to disrupt these people's arrangements unnecessarily. The Republican senators' plan, as well as the one proposed by the 2017 Project, would leave them in place but with a high upper limit on the tax preference, which would both encourage economizing among the most expensive employer plans and help to fund the tax credit for those outside the employer system.

Such an approach would avoid the two pitfalls that have proven most problematic for conservative health-reform proposals in the past. It would demonstrate that market-based health reform can both help the uninsured get covered and avoid massive disruptions in people's existing arrangements without heavy-handed mandates, taxes, and regulations. And it would do so by giving the gov-

ernment less control of American health care, rather than more, and so moving our system well to the right of where it was before Obamacare.

Some conservatives resist this approach, believing the tax credits too closely resemble an entitlement expansion or that such reform is insufficiently bold because it would leave in place the tax benefit that ties insurance to employment. But both concerns are off the mark.

A tax credit would not create a new federal subsidy for coverage but rather make an existing one more fair and effective: It would extend to everyone else the benefit that today's tax laws make available only to families with employer-based coverage. It is not possible to make that benefit available to lower-wage households (and therefore to help make them consumers of health coverage) without such an approach—these households do not pay enough taxes to benefit materially from an alternative tax break, such as a deduction.

And a bolder step, like entirely replacing the tax exclusion for employer-based coverage with a credit, would risk stiff resistance from millions of American families and from their employers. In the 2008 presidential contest, Senator John McCain proposed such a complete replacement of the tax preference for employer-paid premiums and faced just such a backlash.

If conservatives embrace the general approach of guarding the employer system from serious shocks and making tax credits available to those outside of it they have an opportunity to highlight the costs and failures of Obamacare while beating that law on every measure that counts with voters. Independent estimates show that this kind of plan could increase enrollment in insurance just as much as Obamacare, with far less expense and without the burdensome regulations, high taxes, and badly misdirected Medicare cuts of Obamacare.

If, on the other hand, conservatives remain divided on how to proceed and do not coalesce to some degree around a viable and practical



plan, it will be very difficult to make headway in rolling back Obamacare. The public is unhappy with Obamacare, but if Republican alternatives appear unserious, offer no clear path to reliable insurance for those who have struggled to secure coverage, or seem to promise uncertainty and dislocation for millions of insured families, then displacing Obamacare will become far more difficult.

Conservatives must not let that happen. At stake is not only the future of American health care but the larger struggle to define the relationship between American society and its government.

Conservatives have long argued that today's welfare state is not only fiscally unsustainable but also profoundly dangerous to some crucial prerequisites for a thriving society, including a commitment to work, family formation, personal liberty, economic growth, and innovation. Obamacare doubles down on this approach, and therefore exacerbates all of the negative consequences of today's entitlement system. The Congressional Budget Office estimates it will reduce full-time employment by 2.5 million workers. Its heavy reliance on federal regulation and control will strangle innovation in a sector of the economy that badly needs it and risks depressing the quality of American health care. And its expense, which can only remain hidden behind crude budget gimmicks for so long, will inevitably create pressure for massive tax hikes.

In its fundamentally centralizing, consolidating, managerial approach to the role of government, Obamacare embodies the liberal welfare state. By proposing a dynamic, decentralizing, consumer-driven, problem-solving approach to America's health-financing dilemma in its place, conservatives have a chance to offer the public an alternative governing vision with implications for many other contested policy arenas. It is an opportunity to offer proof that a dynamic economy can be backed with a reliable safety net if we draw upon America's proud tradition of constitutionalism and democratic-capitalism. ♦

# Top of the List

In the GOP quest for the Senate, West Virginia looks like a done deal. **BY MICHAEL WARREN**

*Ravenswood, W.Va.*

**I** bet this guy's a hunter." Shelley Moore Capito, the Republican congresswoman who gives every sign of winning her race for the Senate, points at a worker in the front row with a youthfully cherubic face underneath a camouflage cap. He looks up at her.

"Are you a hunter?" Capito asks.

The young man smiles shyly and nods his head. He is, in fact, a hunter. So is the guy next to him, also in a camo hat. She's concerned, Capito assures them, about efforts in Washington to curb Second Amendment rights. She's been fighting those efforts in the House, she offers. The audience stares back blankly.

The 60-year-old Capito is speaking in the break room at a precision metal stamping facility in this Ohio River town. The crowd numbers about 35, mostly men but a few women, factory workers clad in blue jeans, T-shirts, and work boots. Capito, the daughter of former congressman and governor Arch Moore, is wearing a suit and off-white high heels. Her constituents are seated at tables or along the back wall, while the congresswoman stands alone addressing them. Every few seconds, she takes a small step toward them, as if slowly wading into a pool to test the water's temperature.

She goes on, telling them she's also concerned about EPA regulations that are hurting coal mining and drilling efforts in West Virginia. Obamacare, too, has made health insurance more

expensive for West Virginians. The state has just one provider, and it has jacked up premiums across West Virginia and taken a little more out of these workers' paychecks.

"Any other questions?" she asks. They respond with silence. Tough crowd, but Capito is undeterred, making sure to shake everyone's hand as they file back to work. A few more camo hats walk by.

"There's a hunter. There's another hunter. And there's another hunter," she says as they saunter past.

Capito may be underwhelming on the stump, but her chances of becoming the first Republican senator from West Virginia since 1959 look better than good. When they talk about their most likely Senate pickups in 2014, Republican strategists in Washington put West Virginia at the

top of the list. The incumbent, Democrat Jay Rockefeller, announced early last year that he would be retiring. Democrats recruited Natalie Tennant, the secretary of state and a competent candidate, to run against Capito. But the latest polls show Capito ahead by double digits. Capito's winning despite some objections from conservatives in her own party.

On fiscal and spending issues, Capito is a bona fide moderate, and the recent small-government, Tea Party trend of the GOP hasn't reached West Virginia. She told the *National Journal* in January that one of her models is Alaska senator Lisa Murkowski, the quintessential Republican centrist. Capito and her fellow West Virginia Republican House member David McKinley get middling



*Shelley Moore Capito*

*Michael Warren is a staff writer at THE WEEKLY STANDARD.*

GAGE SKIDMORE

to dismal ratings from conservative groups like the American Conservative Union, the National Taxpayers Union, and Heritage Action. When Capito announced her Senate candidacy in November 2012, the Club for Growth issued a stinging memo denouncing the many federal spending projects she had supported over the years.

“Congresswoman Capito has a long record of support of bailouts, pork, and bigger government,” wrote Club president Chris Chocola. “She voted to bail out Fannie Mae and Freddie Mac, for massive expansions of government-run health insurance, giveaways to big labor, and repeatedly voted to continue funding for wasteful earmarks like an Exploratorium in San Francisco and an Aquarium in South Carolina.”

When I ask her about the spending record in an interview in Ripley, she straightens up in her chair and leans forward, lowering her voice. “I was sent to Congress to represent 650,000 West Virginians,” she says. “I live in one of the states that is

one of the most economically challenged states in the country. The only way to get our children out of poverty is to get them educated and healthy.” Expanding the State Children’s Health Insurance Program, for instance, is a vote she’d “defend all the way down the line.” And in her defense, Capito’s been a consistent supporter of the Paul Ryan budget.

On top of the spending issues, Capito is to the left of the Republican party on abortion. “My position has been that abortion should be rare, no federal funding for abortion,” she tells me. “I would not vote to overturn *Roe v. Wade*.” According to National Right to Life, Capito voted against an amendment in 2011 that would have banned giving federal funds to community teaching health centers that train doctors and nurses to perform abortions, though her record otherwise shows consistent opposition to the use of federal funds for abortions. Capito also supported the federal ban on partial-birth abortion and voted

to ban most abortions after 20 weeks.

In most red states, a record and rhetoric like that could earn a Republican candidate a primary challenge from the right. But no serious candidate jumped in against Capito. “I think what they really found is I am certainly in the mainstream of West Virginia thought of the Republican party, have a good record of reflecting that in my votes, and they probably found as they looked around West Virginia that I’m the one that can win,” she says.

It doesn’t hurt that she brings home the bacon. “I earmarked some public money to help the library here in Ripley get a new roof,” she volunteers. “I earmarked Sandyville a water/sewer project. You’re talking \$35,000-type stuff.”

In addition, there isn’t much of a bench for West Virginia Republicans, and Capito is the party’s only player. “We would have considered supporting a conservative alternative,” says Club for Growth spokesman Barney Keller, “if one had existed.”

## IP Champions: Then and Now

**By Thomas J. Donohue**

President and CEO  
U.S. Chamber of Commerce

The original champions of American intellectual property predate the innovative and often high-tech products that we associate with IP today—by nearly 230 years!

Our Founding Fathers were tinkers, inventors, and entrepreneurs. So they understood that in order to build an advanced society driven by thinkers, doers, and innovators, they had to ensure that ideas and inventions would be rewarded and protected. They wrote IP protections into the Constitution. President George Washington went on to sign the first patent legislation into law, and it remains the basis of our system today.

Our founders couldn’t have imagined the astonishing feats successive generations of American innovators would achieve. Nor could they have predicted the globalization and technological advancements that would tear down many physical and economic barriers to commerce. But their pragmatic foresight

has paid huge dividends for society and has made our economy the envy of the world.

Today, IP-intensive industries—everything from movies to manufacturing—account for nearly 35% of total U.S. GDP. They support 40 million American jobs, which pay 42% more than jobs that rely less on IP. They are responsible for more than 60% of all U.S. exports, to the tune of \$775 billion. If you add it all up, America’s IP is worth more than \$5 trillion.

Twenty-first century IP champions are innovators, creators, educators, and enforcers of IP. They represent a diverse range of industries, interest groups, organizations, and occupations. But what they have in common is that through their work, each is making an important contribution to our quality of life, as well as to America’s economic strength and competitive standing in the world.

The U.S. Chamber’s Global Intellectual Property Center (GIPC) recently recognized its 2014 IP Champions just ahead of World IP Day. Among the honorees were a music professor

who is educating students on the important value of copyrights; a tech company that is using robots to help treat autism; a consumer awareness campaign to help online shoppers avoid dangerous illicit pharmaceuticals; a partnership between law enforcement and major league sports to crack down on counterfeit merchandise; and many more.

The original IP champions bet that the United States would out-innovate the world—and they were right. To keep that competitive edge, we need modern-day champions to continue doing what they do best: coming up with ideas, creating new products, and enforcing the rules to make certain that we all benefit from the world-changing advances that innovation brings.

To learn more about some of the leading individuals, companies, agencies, and organizations that are making a difference in IP today, visit [theglobalipcenter.com/IPchampions](http://theglobalipcenter.com/IPchampions).



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[www.uschamber.com/blog](http://www.uschamber.com/blog)



And Capito has proven she can win. In 2012, she won Jackson County (home of Ravenswood and Ripley) by more than 30 points, outperforming Mitt Romney by 11 points and Democratic senator Joe Manchin by nearly 15 points. Across her district, she won nearly 70 percent of the vote.

That's remarkable for this nominally red state. Conservative, rural, overwhelmingly white West Virginia has voted for the Republican nominee for president for four straight elections, but Democrats still thrive here. Party registration favors Democrats over Republicans by nearly two to one. The governor is a Democrat, and Democrats control both houses of the legislature. The state's Democratic party is much more conservative than the national party, particularly on social and environmental issues. Manchin, the former governor, won his special election to replace the late Robert Byrd, a Democrat, in the Senate in 2010 with an ad that showed him shooting a bullet through the text of a cap and trade bill.

For 10 years, Capito was the lone Republican in West Virginia's congressional delegation. In fact, she might be considered part of the GOP's change in fortunes in the Mountain State. In 2000, George W. Bush became the first nonincumbent Republican presidential candidate to carry West Virginia since 1928. He did so by exploiting a schism within the Democratic party on surface mining. Bill Clinton had vacillated on the issue, while Al Gore was strongly opposed to the practice on environmental grounds. Bush, who came out in favor of surface mining, visited the state three times during his presidential campaign, including the weekend before Election Day. Capito, making her first bid for Congress, appeared at the rally with him.

"It was the day of my son's last football game. And I was like 'George Bush? Football?' I went to George Bush, and my son lost in the playoffs," she laughs. Bush captured West Virginia's five electoral votes and, with Capito's narrow victory, changed how the state's voters saw the Republican party. ♦

# The Legalization Juggernaut

Why won't more political leaders speak out on marijuana? **BY WILLIAM BENNETT & CHRISTOPHER BEACH**

**T**he legalization of marijuana has acquired an aura of inevitability. But is there really no choice? Must Americans resign ourselves to the social acceptability, legal entrenchment, and widespread availability (including to our kids) of marijuana?

We are convinced this headlong rush into disaster can be stopped—if, that is, political leaders can be found who have the nerve to take on the conventional wisdom.

Currently, marijuana is legal in Colorado, and Washington state will soon debut its pot shops. Pew Research finds that pot is now legal in some form or decriminalized in 24 states. *Reason* reports that, in 2014 alone—either through ballot initiatives or legislation—13 states could legalize marijuana, another 16 could permit medicinal marijuana, and 5 could decriminalize possession.

The shift in public opinion has been dramatic. In the early and mid-2000s support for legalizing marijuana across Republicans, Democrats, and independents hovered between 30 and 36 percent. In October 2013, Gallup reported for the first time that a clear majority of Americans (58 percent) supported marijuana legalization. Even 35 percent of Republicans are now on board.

No doubt some Democrats support the loosening of marijuana laws in order to court a group they view as

their voters. The strongest supporters of marijuana legalization are young males age 18-29. They lean towards the Democratic party, and Democrats realize that marijuana ballot initiatives could help drum up support for Democrats running in 2014, especially in Florida.

Indeed, a recent *Wall Street Journal*/NBC poll found that young adults are more interested in states' legalizing marijuana than in other major news stories such as Obamacare, the crisis in Ukraine, and same-sex marriage. The same poll found that Americans believe sugar to be more harmful than marijuana. When asked to name the most harmful of four substances, 49 percent of respondents placed tobacco first, and another 24 percent placed alcohol first. Sugar followed with 15 percent, while only 8 percent thought marijuana the most harmful.

We have reached a dangerous and absurd moment when there is unprecedented support for the legalization of a substance that is demonstrably harmful to the health and safety of individuals, as well as to the fabric of our nation. No country in the history of the world has persevered in the legalization of drugs. None. We may learn the hard way why.

The great political scientist James Q. Wilson staunchly opposed the legalization of drugs. He explained that "drug use is wrong because it is immoral and it is immoral because it enslaves the mind and destroys the soul." No society should want unhealthy substances destroying the minds, bodies, character, and potential of its citizens.

As Wilson put it, "The central problem with legalizing drugs is that

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*William Bennett, the first director of the Office of National Drug Control Policy, hosts the nationally syndicated radio show Morning in America. Christopher Beach is a writer in Arlington, Virginia, and the executive producer of Morning in America.*

it will increase drug consumption.” Experience shows that when previously controlled substances become permissible they are more widely used. So the question becomes: Do we want more stoned Americans? Do we want the damage from legal marijuana to approach the damage done by legal alcohol?

Alaska tried this experiment. In 1982, it legalized the possession of marijuana in small amounts. But by 1990, less than a decade later, the people of the state passed a ballot initiative to recriminalize pot, primarily because marijuana use among Alaskan teens had jumped to twice the national average.

Even in states that have allowed only medicinal marijuana, use among young people has risen. Christian Thurstone is one of the leading child psychiatrists in Colorado and head of the teen rehab center Adolescent STEP: Substance Abuse Treatment Education & Prevention Program in Denver. He has chronicled firsthand the increase in marijuana use among adolescents since Colorado legalized medicinal marijuana in 2009.

As one would expect, today’s marijuana laws in Colorado prohibit use by children. But this prohibition—as with alcohol and cigarettes—has proven ineffectual in a state where pot is now available in vending machines. Marijuana producers and sellers know what Big Alcohol and Tobacco know: Hook users early, and you have customers for life; hook them to heavy use, and the profits flow.

In their book *Marijuana Legalization: What Everyone Needs to Know*, Mark Kleiman, Jonathan Caulkins, Angela Hawken, and Beau Kilmer—all of whom support the legalization of marijuana in some fashion—report, “Marijuana use is highest among 18-25 year olds; their past-year rate (31 percent) is three times the U.S. average.”

Hence the pot-tarts and marijuana-infused sodas, brownies, cookies, and pasta sauces that already line the shelves of Colorado’s pot shops. Billboards advertising marijuana dot Denver freeways and feature cartoon

characters; they’re obviously aimed at young people.

The authors also found that “more-than-weekly users account for more than 90 percent of marijuana demand.” In other words, legalization enables an industry that thrives on maximizing addiction.

Furthermore, the medical science is clear: Marijuana use has deleterious effects on health and behavior, especially among the young.

Marijuana today is far more potent than it was in the 1960s and ’70s. This



NFL-themed pot cupcakes on sale in Seattle

is not your parents’ or grandparents’ pot. “Over just the past fifteen years, potency levels measured in U.S. seizures have more than doubled,” *Marijuana Legalization* reports. The University of Mississippi Potency Monitoring Project found that the average potency of all cannabis seized by state and federal law enforcement increased from 3.4 percent in 1993 to about 8.8 percent in 2008. By most estimates, the average potency today is 13 or 14 percent.

The more potent the drug the more dangerous its effects. Marijuana has already been linked to two deaths in Colorado: a 19-year-old college student who jumped to his death from a Denver hotel room after eating six times the recommended amount of a pot cookie and a man who allegedly shot and killed his wife after eating marijuana candy and hallucinating.

It seems that the American Medical

Association was right when it came out with a long report opposing legalization in 2013. Among its most damning findings was: “Heavy cannabis use in adolescence causes persistent impairments in neurocognitive performance and IQ, and use is associated with increased rates of anxiety, mood, and psychotic thought disorders.”

And now even casual pot smoking has been linked to harmful brain abnormalities. An important new study by researchers at Northwestern University to be published in the *Journal of Neuroscience* found that young adults who smoked pot only once or twice a week still showed significant abnormalities in the part of the brain that deals with memory and motivation.

And the consequences of marijuana use are not restricted to individual users. Over the last 10 years, fatal car accidents involving people who were stoned have tripled, according to a report in the *American Journal of Epidemiology*.

Marijuana, of course, is a gateway drug. Even the authors of *Marijuana Legalization* admit that “kids who use marijuana—particularly those who start marijuana use at a young age—are statistically much more likely to go on to use other drugs than their peers who do not use marijuana.”

Rather than address these problems, many supporters of marijuana change the terms of debate. But the claims that if we legalize pot we can reap economic benefits from taxation and regulation, right wrongs in the criminal justice system, and undercut the criminal cartels are mostly false.

It doesn’t seem to be the case that legalization will produce a financial windfall. Early revenue estimates from Colorado’s own legislative economists have already been revised downward. In any case, a few more dollars for state governments to spend pale beside the societal costs of wasted lives, incapacitated employees, doped-up students, and stoned parents neglecting life and family responsibilities.

Neither is it true that legalizing pot will rid us of the big crime syndicates. When asked how much drug-related



crime, violence, and corruption marijuana legalization would eliminate, the authors of *Marijuana Legalization* admit, “Not much.” To date, police in Colorado report that the black market is alive and well. With taxes on legal pot running 25 percent, cartels can provide cheaper, untaxed weed, and consumers will buy it.

Finally, proponents of legalization claim that pot smokers (particularly young black males) are crowding our prisons. This couldn’t be further from the truth. The U.S. criminal justice system is the single largest referral source for drug treatment programs. What’s more, those serving time for marijuana possession alone account for less than 1 percent of the state and federal prison population, and most of these prisoners are drug dealers who pleaded guilty to possession in exchange for a lesser sentence.

The allegations of racial injustice are untrue as well. While studies of arrest data show that African Americans are 2.5 times more likely to be arrested (not incarcerated) for marijuana possession than whites, the disparity comes from purchasing behavior, not racist enforcement. A comprehensive RAND study demonstrated that African-American marijuana users were “nearly twice as likely to buy outdoors, three times more likely to buy from a stranger, and significantly more likely to buy away from their homes.” All these factors greatly increase their risk of arrest.

In any case, these ancillary issues should not be allowed to sidetrack the larger question. We are at a crucial time in our nation’s history, engaged in a once-in-a-lifetime debate over a national health care system and still struggling to improve schools whose graduates are behind their peers in many industrialized nations. On top of all this, do we really need more pot-heads? Do we need a dumber country?

Jerry Brown, the Democratic governor of California, was recently asked about legalizing pot in his state, and he put it this way: “How many people can get stoned and still have a great state or a great nation?” Last week, a leading Republican finally joined him.

“I am not going to be the governor who is going to tell our children and our young adults that marijuana use is okay, because it’s not,” said New Jersey governor Chris Christie on his monthly radio show. “You want to elect somebody else who’s willing to legalize

marijuana and expose our children to that gateway drug and the effects it has on their brain? You’ll have to live with yourself if you do that, but it’s not going to be this governor who does it.”

This is exactly the message our leaders need to be sending. ♦

# Why Not an Open Convention?

A modest proposal.

BY HUGH HEWITT

When the Republican National Committee adopted a new primary calendar in January, few people fully thought through the impact. Successfully and necessarily fighting the last war, Chairman Reince Priebus led the RNC to adopt reforms to end the mindless chewing-up of would-be nominees by more than a score of cable-ratings-driven debates as well as to put the brakes on the scramble by states to schedule their primaries and caucuses ever earlier.

When the dust settled at the RNC, a new regime was in place, backed by tough sanctions on rogue states that break the embargo on pre-March 1, 2016, primary contests, a promise of a sane debate schedule, and a late June or early July convention. The early leader for this gathering is Las Vegas, but the sheer folly of that messaging is dawning on party elders, and Cleveland, with its restored downtown and new convention center, looks better and better, especially given Ohio’s critical role in the Electoral College map.

Iowa, New Hampshire, South Carolina, and Nevada are permitted by

the new rules to hold their nominating contests in February 2016, and will almost certainly do so. All other states must wait until March 1 under pain of significant delegate penalties, and any state that picks a date from Tuesday March 1 until Monday March 14 must allocate its delegates proportionately. “Winner-take-all” contests can begin March 15.

States interested in influencing the election, or in grabbing the biggest slice of the billion-dollar campaign expenditures pie, thus will pick either March 1 or March 15 for their contests. March 15 looms large in many hypothetical primary schedules. Indeed, the two or three weeks leading up to March 15 are going to see a flood of money wash ashore in the states smart enough to get their legislatures moving towards relevance now.

Which brings us to the unlikely duo of Texas senator Ted Cruz and 2012 GOP nominee Mitt Romney.

The former hasn’t said he is running but almost certainly is. The latter has very specifically said, “No, no, no, no, no,” and those closest to him believe that is a real “No!” The Romney reboot naysayers applaud the 2012 nominee’s reticence, and practically shout, “Romney’s done, run into the ground, finished as a force in the party.” And they are right if they mean Romney has no practical chance

*Hugh Hewitt's nationally syndicated radio show is heard in more than 120 cities every weekday afternoon. A lawyer and law professor, he is a columnist for the Washington Examiner and Townhall.com.*

to be the nominee if he isn't running.

But they are very wrong if they mean Romney has no ability to make the political weather, and having run twice and lost both times doesn't change that. The reality is that the new GOP map and likely primary calendar greatly favors Cruz, whom the establishment greatly, indeed irrationally fears, as Iowa and South Carolina will be on fire for the firebrand with the extraordinary rhetorical and debating skills. New Hampshire *was* going to be Chris Christie country, but may end up being a 10-way carve-up train wreck of a primary. The new Granite State poll released April 18 puts Senator Rand Paul atop a field of 13, with an underwhelming 15 percent of the vote, "favorite daughter" Senator Kelly Ayotte tied for second place with Paul Ryan, and Christie a point behind them.

A badly split New Hampshire result would leave Cruz marching through South Carolina with Florida's Senator Marco Rubio hoping to stop him there and in Rubio's long-ago home state of Nevada. But right now it looks like all the momentum will belong to the Texan as the big two March dates loom. The media love a political blitzkrieg, and Cruz would be rolling with Iowa and South Carolina on his board.

Unless, that is, something old becomes something new, something that Governor Romney could champion and for which there might be many takers: an open convention, one where the outcome was not preordained by the delegate contests leading up to it.

Romney could begin the movement to an open convention with a declaration of support for the concept and a statement of his intent to run in the primary contests in his own "favorite son" states and a handful of others without obvious GOP national figures (like Idaho, Oregon, and Washington) and *only* in these favorite son and "empty" states. Romney's reason to make this limited "run" would be to help his party by sponsoring the idea of a genuinely "open convention," which would in turn juice the interest level in the GOP field and debate

and retain the maximum flexibility of a party that simply must win in 2016 or watch the Supreme Court slip away and the Obamacare revolution reach the "not possible to repeal" status its backers are prematurely claiming.

Romney is uniquely positioned to captain the "open convention"/"favorite sons and daughters" movement as he can honestly claim "favorite son" status in five states—Michigan where he was born, Massachusetts where he built his business and was the governor, New Hampshire where he has summered with his vast clan for decades, Utah where he moved to turn around and save the 2002 Olympics, and, yes,



*Hey, it worked in 1860.*

California where he now spends a great chunk of the year. Romney wasn't listed in the Granite State poll, but he won there in '12 and was second in '08, and the contrarians up there might warm to the noncampaign campaign. If Romney's other four "favorite son" states vote on March 1 or March 15, there would be little chance of any momentum candidate ending the primary season before it began.

If Romney were to declare a "five-state-plus" campaign for the purposes of pushing for an "open convention," his donor networks and old staff would light up at least in part, as would the smiles of every governor who'd like a plausible reason to get his or her own name into the mix in 2016 without the heavy lifting of the endless campaign that chugs to life the day after the vote this fall. Even the handful of folks eyeing an old-fashioned start-to-finish run might embrace a campaign designed to keep a momentum play from running the board early.

Political reporters and talk hosts, of course, would swoon: Finally, the Holy Grail, a convention that isn't scripted down to the minute—a real political news event would generate months of cable coverage.

Thus, Romney would be "in" but not "in in." He could dismiss Iowa and South Carolina from the start and campaign—at a very leisurely pace—in his five core states, and make the arguments for an open convention: that extended attention and serious, structured debates are good for the party's ideas, that a momentum candidate isn't, that stuff happens and money needn't be spent destroying everyone else on the front bench. He can also speak for all the governors and senators who have a stake in being listened to seriously. He'd be the candidate urging candidacies by Nikki Haley (S.C.), Susana Martinez (N.M.), and Mary Fallin (Okla.). A nice place on the political dial, that.

And if a five-state-plus campaign did bring about an open convention, the person most likely to benefit would be Romney's running mate in 2012—Rep. Paul Ryan—a man who probably isn't running in 2016 but who might be the likeliest candidate to bring the party together after a dozen different folks amass significant delegate totals along the way. Another senior figure who might welcome a tenth of a campaign from Romney would be John Thune, the South Dakota senator who almost ran in 2012 but eyed his blossoming leadership prospects in the Senate and demurred. Thune could easily be South Dakota's "favorite son" and perhaps some nearby states' as well.

A good question is whether "favorite son" delegates are actually controlled by their candidates. I asked Sean Spicer, the RNC's communications director, and the answer is complicated by the need to have a minimum number of states in your column to have your name placed in nomination. Rule 40 of the GOP presently requires the support of a majority of eight states to allow a name to be placed in nomination, which may require amendment if an open convention movement gains



traction. The RNC did strengthen the rules binding delegates to their candidates in January, but the rules vary by state. Rule 40 could end up having unforeseen consequences in a year when a couple of dozen favorite sons/daughters picked up wins along the way, and the deadline for changing rules is September of this year. But if unprecedented stuff happens, rules have to be amended no matter the date. The RNC would certainly feel pressure from the successful favorite sons and daughters controlling the delegations that had empowered them to help guide the proceedings in Cleveland, but as of now, Rule 40 is a spanner in the works of an open convention.

The party of Lincoln's first victorious campaign—Lincoln's own in 1860—began with an open convention. It met in Chicago in mid-May. (Thanks to the "Reince reforms," 2016's GOP gathering will be earlier than in recent years, in late June or early July.) Five candidates polled well on the first ballot in Chicago's Wigwam, and it took three (and a half) ballots to get Lincoln over the top.

So if the 2012 nominee were to declare he wasn't running a full-scale campaign, but would be seeking delegates in those five named states and a few others where no favorite son or daughter actually stepped forward, his "no, no, no, no, no" would remain intact while blocking a rush to judgment that could lead the GOP to nominate a candidate with little chance of winning the general.

Even Ted Cruz might back such a move, seeing in it a way to prove that his voice is the authentic voice of the grassroots, and not an accident of party reforms gone awry. The party's biggest donors, hesitating now to place any bet, could safely park some money in the coffers of Romney's mini-campaign with the explanation that they see the many advantages of the open convention, and then Priebus would get to the task of organizing debates that might have to use a tiered stage. Not the best of problems, but also not the worst.

All we need is for Romney to not say "no, no, no, no, no" to a mini-campaign. ♦

# Mudslinger in Chief

Harry Reid takes the low road.

BY FRED BARNES

**T**he Romney strategy is back. Not the flawed campaign plan of Mitt Romney for the 2012 election, but the effort by President Obama and Democrats to malign Romney, even before he'd become the



*Harry plays dirty—again.*

GOP nominee, as morally unfit for the presidency.

Now the strategy is focused on Republican Senate candidates, some of them still running in contested primaries. From Democratic TV ads, we learn that Dan Sullivan in Alaska may not be "one of us," a true Alaskan. Tom Cotton in Arkansas, having worked for insurance companies, is "a politician we just can't trust." And Bill Cassidy in Louisiana sought to "cut off hurricane relief for Louisiana families."

There's a name for this strategy—the politics of personal destruction. It was successful in 2012 in transforming Romney's image into that of an uncaring, greedy corporate boss who made millions while shutting down

companies and throwing workers out of jobs. In one Obama ad, Romney was falsely blamed for the cancer death of a worker's wife.

The chief practitioner of the Romney strategy today is Senate majority leader Harry Reid, who is desperate to keep Republicans from taking control of the Senate in the November midterm elections. The ads are the handiwork of Reid's Senate Majority PAC or its sister organization, the Patriot Majority PAC.

What's striking is their emphasis on personal matters rather than major public issues like health care or the economy and their frequent inaccuracy. Cotton, for example, has never worked for an insurance company. Nor did Cassidy seek to curb disaster relief.

Reid's specialty is intruding in Republican primary races to discredit the candidate most likely to pose a strong challenge to a Democrat in the general election. He's done this before and has been quite effective.

In 2010, he intervened in the Nevada GOP primary with an ad ridiculing Sue Lowden, the Republican frontrunner to oppose his reelection. Reid succeeded. Lowden faded, and the winner of the primary, Sharron Angle, proved to be a poor candidate whom Reid easily defeated.

In 2012, he ran an ad in Missouri that touted the conservatism of Todd Akin, regarded as the weakest Republican against Democratic senator Claire McCaskill. With Reid's help, Akin won the GOP primary, then lost to McCaskill.

This year, Reid is seeking to poison the reputation of the most highly regarded Republicans in races against Democratic incumbents. His excuse for intervening is that Democrats are being

*Fred Barnes is an executive editor at THE WEEKLY STANDARD.*

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“smeared” by Americans for Prosperity (AFP), a conservative group partially funded by Charles and David Koch.

There’s a difference, however, between the AFP ads and Reid’s. AFP’s are far softer-hitting than Reid’s brutal and often false attacks. AFP criticizes Democrats for voting for Obama’s health care law—fair comment on an issue of national significance. Reid’s ads fixate on pettier, personal concerns.

In Alaska, the Put Alaska First PAC has broadcast an ad questioning whether Dan Sullivan is a real Alaskan. Sullivan leads in primary polls to run against Democratic senator Mark Begich. The ad said Sullivan is “claiming to be one of us,” but was born and raised in Ohio and owns a home in a “swanky” neighborhood outside Washington. “If elected, he won’t just go to Washington, he’ll go home to Washington.”

What it doesn’t say is critical. Sullivan, who had headed Alaska’s department of natural resources and was state attorney general, resided in Washington for several years when he worked in the George W. Bush administration. He bought a home there, but kept Alaska as his permanent voting residence. All this is perfectly legal and commonplace—except in the ad. Put Alaska First is largely funded by Reid’s Senate Majority PAC.

In Arkansas, Reid’s attack on Cotton is even more dishonest. The ad said: “Cotton got paid handsomely working for insurance companies. . . . Now Cotton wants to end Medicare’s guarantee, giving billions in profits to insurance companies.” None of that is true.

Factcheck.org investigated the charges against Cotton. “There is no evidence Cotton did work for insurers,” it concluded. “His only established connection to the industry involved consulting work for the Federal Housing Administration.” “The bottom line is that the Senate Majority PAC used both false and outdated information in its attack on Cotton.”

In Louisiana, Cassidy leads the field in the Republican Senate primary. In fact, he has run ahead of Democratic senator Mary Landrieu in many polls. Reid’s PAC indulged in guilt

by association in tying Cassidy to the Koch brothers, who have aired TV ads pointing out Landrieu’s support for Obamacare. The Reid ad claimed Cassidy would “fight” for the Kochs to raise flood insurance premiums. Actually, Cassidy backed the flood insurance bill the Kochs opposed.

In other cases, Senate Majority PAC ads have been merely sleazy. An ad in North Carolina showed two couples alone in dark settings and linked Thom Tillis to the sex scandal in which his chief of staff and another aide were fired. Tillis’s involvement consisted only of giving bonuses to the aides on their departure.

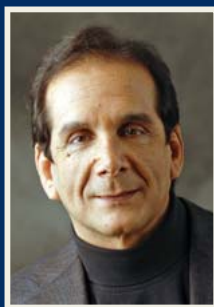
In New Hampshire, a Reid ad said Scott Brown, the former Massachusetts senator now running for the Senate in New Hampshire, had purportedly saved Wall Street \$19 billion in taxes. If true, he didn’t do it alone. The ad failed to mention Brown was one of the few Republicans to vote for the successful Democratic bill opposed by Wall Street, the Dodd-Frank legislation.

As reckless as Reid’s PAC ads are, they’ve attracted little attention from the mainstream media, much less prompted any indignation. Such permissiveness should worry Republicans, since it’s likely to lead Reid to continue his unscrupulous offensive.

His ads have achieved at least minimal success. The months-long fusillade by both his PACs has caused Cotton to fall narrowly behind Democratic senator Mark Pryor in recent polls. His approval rating also dipped. Fortunately, Cotton came up with an antidote last week, a witty ad featuring his Army drill sergeant.

Pryor—whose father was governor of Arkansas and served in the Senate for 18 years—had insisted Cotton felt “a sense of entitlement” to a Senate seat because of his military experience. His Army training, Cotton said in his TV spot, had taught him “accountability, humility, and putting the unit before yourself. That training stuck.” To which Master Sergeant George Norton responded, “It better have.” ♦

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# A Different Kind of Gas Shortage

*The politics of helium*

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BY KELLY JANE TORRANCE

A t a Harris Teeter in suburban Washington, what used to be Harry's Balloon Corral is, to young eyes, disappointingly empty. The grocery store has posted a notice explaining why. Children accustomed to alleviating the boredom of the weekly trip to the supermarket with the serious task of keeping a helium-filled balloon from floating out of their reach aren't likely to understand it, however. "Due to a national helium shortage, we are currently unable to offer Harry the Dragon balloons to our customers in training. We apologize for the inconvenience."

Few of their parents will get the sign, either. Helium is one of the most common elements in the universe, second only to hydrogen. How could there possibly be a shortage? It seemed plentiful enough back in high school, when everyone took a turn at the helium tank, inhaling just enough of the gas between giggles to sound like Donald Duck.

The end of free balloons might be the first sign you see of the helium shortage—which is global and not just, as Harris Teeter has it, national. It's unlikely to be the last. If you've read anything about the helium shortage, you might know that the element in its liquid form is crucial for cooling the magnets that power the MRI scanners used to diagnose disease. But, ever since airplanes displaced airships, what else do we need helium for?

"The real answer is everything," says Richard Shoemaker, senior research associate in the department of chemistry and biochemistry at the University of Colorado Boulder, and director of its nuclear magnetic resonance (NMR) facility. Scientists engaged in NMR spectroscopy use giant magnets—one in the Colorado facility is 10-feet wide and almost 30-feet tall—to study the properties of matter. "In my lab, I have people from chemistry who are synthesizing molecules that might be used eventually to

cure a disease—more than one of our research groups are working on ways of curing cancer. People are doing molecular research on extracting more energy out of solar cells." NMR, he explains, is used to study the structure of everything from pollutants in air and water to the polymers that could purify them, from our DNA to the liquid crystals that make up the displays in the electronic gadgets that have practically become new appendages.

Few people appreciate, Shoemaker says, how much now depends on helium, a nonrenewable resource that is found in usable amounts only in certain natural gas fields, is expensive to extract and refine, and is one we can't just make more of (until we master nuclear fusion, anyway). He rattles off a list: "science and technology, aerospace, construction, fabrication, building cars out of lighter alloys for better gas mileage—you can't weld the frames together without helium." He speaks without exaggeration when he says that "at the core of everything we hold dear in society, NMR is in the background. NMR makes it possible for you to go to the drugstore to get your Lipitor if you have high blood pressure. Pharmaceutical companies cannot make drugs and sell them if they're not characterized by NMR because of the FDA's requirements for proving purity."

Once you begin to realize how much of modern civilization depends on this noble gas, it's not surprising that free balloons disappear during a shortage—it's surprising that helium balloons still spot the skies at all. "Every time I see a party balloon, it makes me mad," Shoemaker fumes. "Every time I watch the Macy's parade, I get furious." The giant floating figures in the annual Thanksgiving procession through Manhattan require about 400,000 cubic feet of helium, which is simply released into the atmosphere to dissipate into space when the day is done.

Macy's has a big budget. But with hospitals, research laboratories, pharmaceutical companies, industrial plants, and even government agencies competing for part of a scarce supply, shouldn't the price of the lighter-than-air gas have risen so high that almost no one would pay for a balloon full of the stuff? It hasn't. And the reason goes a long way toward explaining why there's a shortage in the

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Kelly Jane Torrance is assistant managing editor of THE WEEKLY STANDARD.

first place. The world's biggest supplier of helium, you see, has been selling it at a cut-rate price that has no connection to its actual value. That might sound like an imprudent business decision that should soon correct itself, but, of course, it wasn't a business decision at all. The world's biggest supplier of helium is the United States government.

The U.S. government recognized the potential of helium early, not long after the element was first detected during a solar eclipse in 1868 and formally isolated in 1895. Second in the periodic table, the helium atom has less mass than that of any other element except hydrogen; as the Earth's atmosphere is made up mostly of heavier nitrogen and oxygen, helium is lighter than air. The Navy began experimenting with helium during the First World War to hoist airships, and its strategic possibilities were soon apparent; the Department of Defense still uses it for surveillance blimps. But it was the liquid form that would eventually soar in importance. Dutch scientist Heike Kamerlingh Onnes liquefied helium in 1908, using it to discover superconductivity three years later. He won the Nobel Prize in physics in 1913 for his work, which led directly to the research that's given us MRIs.

In 1925, the U.S. government created the Federal Helium Reserve in a giant cave near Amarillo, Texas. (The natural formation containing the gas is now called the Bush Dome Reservoir.) Helium contributed to the development of the atomic bomb during the Second World War, but it wasn't until the Cold War that the feds began stockpiling the element in earnest. After 1989 brought, as one commentator had it, the End of History, politicians soon began to see the reserve more as a liability than an asset. You might not be able to put a price on national security, but bureaucrats can: The helium reserve had cost the Treasury \$1.5 billion, and spending had begun to matter again. The federal government shut down in 1995 when the Republican Congress and the Democratic president couldn't agree on how many more years of unbalanced budgets were permissible (an argument that seems quaint now). "There was a large stockpile of a good commodity sitting in a reserve in the government coffers here in Amarillo, Texas," recalls Robert Jolley, a civil engineer and head of the Amarillo field office of the Bureau of Land Management, the Department of the Interior agency in charge of the Federal Helium Reserve. So in 1996, Congress passed and Bill Clinton signed the Helium Privatization Act.

Even in Washington, where doublespeak is common, to privatize usually means to expose a product or service to the forces of the market—for the benefit of taxpayers and

consumers alike. But the legislators who wrote the Helium Privatization Act didn't really care how much the government got for the crucial commodity that had helped win wars. The bill instructed the secretary of the interior to sell helium at a price that "shall be adequate to cover all costs incurred in carrying out the provision of this Act and to repay to the United States by deposit in the Treasury all funds required to be repaid to the United States as of October 1, 1995." In other words, the government just wanted to recoup the costs of its investment. Rather than sell its helium to the highest bidder, Interior was instructed to find a minimum price by "dividing the outstanding amount of such repayable amounts by the volume (in million cubic feet) of crude helium owned by the United States . . . at the time of the sale concerned." Interior was to adjust that amount, as time went on, only by the Consumer Price Index.

"The price of helium should go up and down as a commodity from year to year," Jolley notes. "We were just recovering costs. We were charging a set amount for the year without doing any market survey data. We paid back \$1 billion to the U.S. Treasury for the operation of the helium plant, the cost of storing it in the ground, all that."

Keep in mind that, as the National Academy of Sciences (NAS) observed in its 2010 report, "Selling the Nation's Helium Reserve," the Federal Helium Reserve was "the only significant deposi-

tory of crude helium in the world." In 2004, 84 percent of the world's helium production came from the United States; by 2011, it was still 77 percent. You can probably guess what would happen if the world's primary supplier of a resource began pricing it based on cost rather than market value. But lawmakers in 1996 didn't.

"An unintended consequence of the act is that we would publish our crude helium sales price every year, and soon after we started doing that, almost all the helium contracts were tied to the BLM-published price," says Sam Burton, biochemist and chief of helium operations at the BLM's Amarillo field office. The BLM price, in other words, became the world price: The NAS report declared that the "legislatively set price for federally owned helium is now setting the price for crude helium, and there is no assurance that this price has any relationship to the current market value of that helium." Burton thinks the price the BLM initially set—\$47 per thousand cubic feet—was a little higher than what it would have been on the open market. But since the legislation directed BLM only to recover costs—and to raise the price only in line with inflation—helium was soon being sold for below what it would have been were it



*Part of the problem*

dictated by the product's actual value. BLM's 2014 price is \$95 per thousand cubic feet.

It's Economics 101: As prices fall, demand increases. But in this case, demand was already beginning to increase because whole new categories of customers had emerged. In 1972, Raymond Damadian had developed the first magnetic resonance imaging machine. The American doctor, who'd spent his boyhood studying the violin at Juilliard, hadn't yet figured out how to use the technology to scan the body to get images that would detect tissue changes like those indicative of cancer. But others would. In 1980, a Scottish team used an MRI machine to produce the technology's first diagnosis of cancer. The breakthrough wouldn't have happened without helium; the powerful MRI magnets can't function without it.

"When I started doing MRI research back in 1979 to '83, my undergrad work," Shoemaker recalls, "it wasn't even called MRI." That technology "was discovered by accident" by people doing NMR—nuclear magnetic resonance—which itself had been discovered in the 1950s, Shoemaker says. "Since the 1960s, there has been no chemistry-related research that doesn't have NMR at the core of it." And helium is at the core of NMR.

**H**elium doesn't want to be a liquid; it wants to be a gas. To get it to be a liquid, you have to get it really cold. Liquid helium is the coldest substance that exists on Earth," Shoemaker explains. Or, as Jolley puts it, "When everything else is frozen solid, helium is still a liquid. That specific chemical property makes it absolutely an invaluable resource." It's essential, in fact, to bring the winding wire on a magnet below what's called its critical temperature, the point at which the wire becomes not just a conductor of current, but a superconductor. The stronger the currents conducted through the wire, the stronger the magnetic field. That field interacts with the atoms that make up every substance—such as the human body—to give a detailed image of the structure within. So doctors can now see tumors growing inside the human body. And scientists can examine the substances that treat those tumors.

"My brother's wife just finished her chemotherapy. They used Taxol in the second round. It's one of the number-one drugs for several cancers, but it's huge for breast cancer," Shoemaker says. Taxol was discovered in 1967, in the bark of a rare strain of yew tree. A very rare strain. "If you used all of those yew trees, you would have enough to cure two people," Shoemaker says. Studying the molecule using NMR, researchers figured out how to manufacture it. The FDA approved the drug in 1992.

It's further advances in medical technology—and other fields—that make Jolley ambivalent about the Helium

Privatization Act. "Imagine that 1996 act was there to address a need and a desire just at the point where technology was taking off with helium research and helium activities," he muses. "Congress released helium to private industry at a time when demand for helium was very high. Politically, their constituents benefited by them releasing that helium." If Congress hadn't started selling the government's helium reserve, the world would look a bit different today. "You might have had a delay in the development of MRIs. You probably wouldn't have had iPhones and iPads," he says. (Less dramatic, but perhaps no less life-changing, is the use of superconductors in electronics.) "Keep in mind, that was back when researchers were using helium to come up with the tools we're using today. If that helium were not readily available or cost a lot of money, you'd have still had phones and that sort of thing, but you might have delayed that technological growth."

Did we trade, then, some of our national security for the ability to watch, anywhere and at any time, cats doing crazy things on YouTube? Jolley wouldn't put it quite that way. Congress, he says, "did sell off part of a natural resource, a strategic natural resource. But it did it at a time when it did a lot of good for the technology sector."

In return, the technology sector—along with the scientific, the medical, and the defense—has had to deal with regular shortages. Shoemaker will sometimes see two- and three-week delays in delivery of the liquid helium used to cool his University of Colorado facility's giant magnets. His worry isn't that his research will have to wait—it is that the millions of dollars of equipment it requires will be knocked out. If the coiled wire around a working magnet heats to its critical temperature—even for a fraction of a second—that magnet will "quench," as the technical term has it. It's no longer superconductive, and the resultant resistance, after a loud bang, turns what's left of the cooling liquid into gas. The helium immediately escapes into the room and can displace the oxygen, causing asphyxiation. (A warning on Colorado's NMR website promises researchers, "If you remain calm, there is plenty of time to leave the room safely.") It can take weeks to bring the magnet back online. And it takes a lot more helium to start a magnet up than it does to maintain it—up to 10 times as much. "It's hard to explain to people who are in government," Shoemaker says. "They think everything is fixable."

So imagine how Shoemaker—and magnet masters around the world—felt when they discovered the Federal Helium Reserve was slated to end operations last year. It wasn't that the Bush Dome Reservoir had run out of the crude gas that refiners turn into liquid. "We started with 30-some-odd-billion cubic feet," Jolley reports. "We're now down to probably 9 billion cubic feet." But enough helium had been sold under the privatization act that the debt to



the Treasury was about to be paid off in full. “We actually made our last payment on that in October 2013 and were set to close,” Jolley recounts. All of Jolley’s 50 employees in Amarillo were going to lose their jobs. And the helium on which so many sectors had come to depend would simply sit (well, float) in a cave.

“All of a sudden, our entire health care system is interrupted,” Shoemaker says. And beyond: “NMR is used in so many different ways in our society.” Jolley states, “NASA had to delay some of its launches, because they didn’t know what the status of the helium was going to be at that time.” Shoemaker began writing letters to his congressman and senators, urging them to keep the reserve operating. Lobbyists representing everyone from chemists and physicists to MRI operators sounded the alarm directly in D.C. They were heard: The Helium Stewardship Act became law on October 2, 2013, five days before the facility would have been shuttered. The bipartisan bill was one of the few to pass during last year’s government shutdown.

This time, a Republican Congress and Democratic president meant to show they had learned their lesson: The mission, as the bill’s opening words state, is to “amend the Helium Act to complete the privatization of the Federal helium reserve in a competitive market fashion that ensures stability in the helium markets while protecting the interests of American taxpayers.” Buyers have until May 5 to submit their requests to purchase the 210 million cubic feet of helium the reserve is selling at \$95 per thousand cubic feet for the remainder of 2014. Starting with the next fiscal year, the reserve must sell through auctions increasing amounts of the helium it still has: from 10 percent of helium sold in 2015 to 100 percent in 2020. The first auction, Burton and Jolley disclose, will take place in late June or early July. The rest of the 2015 fiscal year’s helium supply will be sold in the traditional manner after that, but by August 1.

Burton is pleased with the new legislation. “It allows us the leeway and the flexibility to manage the reserve better than we had been managing it,” he says. Jolley is more circumspect. “Its intent was to maximize revenue for the federal treasury and the American people, and I think it meets that intent,” he says. “My job’s not to like it a lot, it’s to implement it.”

The act requires that the price of all helium sold, auction or no, be based on “recommendations and disaggregated data from a qualified, independent third party who has no conflict of interest, who shall conduct a confidential survey of qualifying domestic helium transactions.” BLM is collecting that data now. But how can it come up with a truly “market-based price” when it has distorted the market that it still practically controls? BLM continues to provide about a third of the world’s helium—42 percent of the

domestic market. The adapted pricing mechanism can’t end the shortage, in any case. Under the new legislation, the Federal Helium Reserve must sell almost all of its remaining supply. Or perhaps all—nobody is clear on what happens to the final 3 billion cubic feet of helium left when the reserve is statutorily slated to close on September 30, 2021.

Jolley thinks the name of the bill meant to solve the shortage is ironic—though he isn’t laughing. “The Helium Stewardship Act is still selling 10 billion, or 7 billion, cubic feet of helium to the private industry,” he notes. “It’s like, anytime you see an act called the American Freedom Act, you know you just lost some of your freedom.”

Helium, being lighter than air, is a difficult element to trap. And by mandating the sale of helium at what a document prepared by the U.S. Senate Committee on Energy and Natural Resources last year called “fire sale” prices, the Helium Privatization Act removed any incentive for private companies to find and extract new sources of it. “From an engineering standpoint,” Jolley says, “if we were selling helium at a price lower than what the market could bear, then we weren’t putting the pressure on the R&D and the exploration that we would have had we been charging a higher price. What you’re seeing in the Helium Stewardship Act is Congress recognizing that, and by charging a market-rate price for helium, they’re going to spur research and development and get these factories online that can produce helium, at least by 2018, 2019, when we get down to a very low volume of helium.” That assumes, of course, that helium starts selling at a “market-rate price.”

Most of the helium in the reserve and elsewhere comes as a byproduct of natural gas extraction. “The problem with gas fields is that there are only certain ones that have enough helium to make it practical enough for processing,” explains Martin Lovas, an account executive in Peace River, Alberta, for Air Liquide, the world’s second-largest supplier of industrial gases. The same geological formations that trapped natural gas also trapped helium. But the money is in the energy, not the element. Most of the money, that is. “There’s a depression in natural gas availability due to the low natural gas prices,” Burton explains. When companies can’t make money drilling for natural gas, the helium that accompanies it also goes untapped. “When natural gas usage becomes more prevalent, there will be more available helium,” Jolley says optimistically. “You look around the United States, you don’t see a lot of natural gas-powered buses. We are moving that way; we’re just moving slower than anticipated.”

But a lot of the energy exploration that is taking place these days focuses on “fracking” natural gas and oil out of shale rock formations—which don’t offer extractable

helium. “Shale is a very porous material,” as Burton says. “It will not trap helium, but it will capture natural gas. Helium is a very small molecule.”

Helium is actually used in extracting natural gas, and so Air Liquide needs some of the product to extract more of it. When welders create pipelines, as they do in the oil sands of Alberta near Lovas’s base, a gas mix that includes helium shields the welding area from atmospheric gases that hinder the process. Lovas doesn’t get his helium from the U.S. reserve—but a shortage of any commodity is felt worldwide.

“Last year, we only got 80 percent of what we got the year before,” he reports. His suppliers tell him, “Our production has dropped off, so you’re only going to have this much available to you.” That’s when Lovas is faced with difficult decisions. “Your market is increasing, and your product is disappearing,” he says. Worldwide, cryogenics—the fancy word for the field in which liquid helium is used as a coolant—accounts for 29 percent of helium use. That includes pharmaceutical research and MRIs. Welding uses 17 percent, while 5 percent is used to detect leaks, mostly in industrial manufacturing—a critical component of safety for those employed in the sector. Party balloons use up more—8 percent worldwide.

“You have to take a look at your market. If you look at the priorities of that particular gas, the number-one priority is medical,” Lovas says. “With one cylinder of, say, 300 cubic feet, you can do nine MRIs. Or you can fill 1,000 balloons.” Perhaps the decision isn’t that difficult. “It’s an ethical choice,” Lovas declares. “It’s a no-brainer. Say a friend of yours is going in to have an MRI that would maybe help them make a decision on a life-threatening situation, or you could blow up 1,000 balloons and let them go and five minutes later, most people don’t even know you did it.” He sounds almost angry when he reports that some in the balloon business treat it “like it’s life or death.” Last year, a party company offered him twice his usual price for a tank of helium so they could provide balloons for a wedding. “I turned them down.”

Shoemaker reports that researchers are working on ways to recycle helium. But the technology won’t become practical in time to help the current crisis. “The reason people didn’t recover and reuse helium before is because it was too expensive,” he says. With the federal government selling helium at cut-rate prices, it’s been cheaper to buy more helium than recycle what you’ve used. “Someday we’re going to regret not recovering it.”

Because, as he notes, “There are no viable alternatives for helium. There’s simply no substitute for it.” Lovas agrees. People at his company and others in the industry have been trying to figure out—for years—what they’ll do when the “limited life” of helium is over. “They have found ways to make it go further. But not really eliminate it,” he concludes.

(We all know what happened when the highly flammable hydrogen was substituted for helium in airships.)

**T**he Federal Helium Reserve currently holds about a third of the world’s total reserves. Might American users—research laboratories, medical institutions, the Department of Defense, NASA—just buy it elsewhere once that reserve is gone? That depends on a lot of things, of course, including one very uncertain factor: the state of global geopolitics. Almost all of the remaining helium reserves are located in two areas not currently known for their willingness to do favors for America: the Middle East and Russia.

To give just one example, the 2010 NAS report notes that “DOD must have ready access to helium to operate the balloon- and dirigible-based surveillance systems needed for national security.” Will the man who is sheltering NSA whistleblower Edward Snowden sell a nonrenewable resource to the United States so it can continue its surveillance? Congress seems to think so, judging by the law it passed last fall.

“The idea was that as this facility is declining in our ability to produce helium, these other big industrial processes in Qatar and Algeria and possibly even Russia would be standing up to be able to deliver that worldwide demand,” Jolley says. Shoemaker is concerned about the stability of places expected to be the next big exporters of helium: “We could go from ‘blood diamonds’ to ‘blood helium’ quite easily, and I don’t really think I’m being overly sensationalistic in saying that.”

The average American still pictures brightly colored balloons floating through the sky when helium comes up—if it comes up at all. But the shortage is real. And no one has a persuasive answer for how to cope with a dwindling supply of a nonrenewable resource on which millions of lives could quite literally depend. Shoemaker would like to see scientists like himself get more say in how it’s distributed. Jolley isn’t sure the country needs to keep a reserve, “but the United States needs to look at helium as a strategic resource and manage it as they do any of their other strategic resources for defense and technology purposes. They need to understand there’s a need for it in the foreseeable future. Do we depend on Qatar, and Algeria, and Russia to provide us that?”

Everyone does agree, however, that Congress needs to revisit the crisis—except Congress itself. Michael Tadeo, the press secretary for the House Committee on Natural Resources, which was responsible for the Helium Stewardship Act of 2013, is asked if a congressman from the committee can comment on the crisis. He declines to make one available. “We’re currently not in a helium crisis,” Tadeo says. “As far as I know, we passed a bill, which the president signed into law, to avoid a helium shortage.” ♦

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# The Wife of Jesus Tale

*An investigation into the origins of a scrap of papyrus  
raises more questions than it resolves*

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BY CHARLOTTE ALLEN

After an 18-month trial separation, “Jesus’ wife” is back with her man. Only this time with a postnup, a distinctly limited right to the marital property she has previously claimed, and a continuing unresolved debate over whether that big diamond on her ring finger is real or fake.

On the evening of September 18, 2012, Karen L. King, a professor at Harvard Divinity School and a longtime publicizer of Gnosticism and other “alternative Christianities” of the ancient world, surprised her fellow academics attending a Coptic conference in Rome with the unveiling of a papyrus document that she said dated to the fourth century A.D. The papyrus, actually a tiny 1.5-by-3-inch scrap apparently torn or cut from a larger sheet, appeared to state—for the first time in recorded history—that Jesus of Nazareth was married. Among the eight lines of choppy, crudely lettered text in Coptic, an ancient Egyptian language, were the words “Jesus said to them, ‘My wife.’” For that reason King had dubbed the piece of papyrus “The Gospel of Jesus’s Wife.”

King’s revelations had an orchestrated feel to them. She had titled her Rome paper, presented to the International Association of Coptic Studies, simply “A New Coptic Gospel Fragment”—apparently so as not to tip her hand in advance. Then, that very same night, she publicized online the text of a 52-page, heavily footnoted article she had submitted to the *Harvard Theological Review*, regarded as America’s most prestigious journal of religious studies. The article included King’s transcription and English translation of the fragment’s Coptic text, plus a lengthy explanatory essay. The *Theological Review* was scheduled to publish the article in January 2013, pending a testing of the fragment’s ink to determine its authenticity. The next morning, September 19, the *New York Times* ran a front-page story about the papyrus. The story included a photo of King holding the plexiglass-shielded scrap,

taken inside her Harvard office in Cambridge, Massachusetts—obviously sometime before the Rome conference. It also turned out that the Smithsonian had scheduled a previously filmed “Jesus’ wife” television documentary for September 30.

King’s Coptic-conference bombshell and the *New York Times* article unleashed a rhino herd of news reporters onto the Rome conference and also a torrent of talking-head commentary stateside, mostly directed to the question of whether Jesus had actually been married and what that meant for the future of Christianity. King had repeatedly made it clear that the existence of a centuries-later papyrus fragment wasn’t evidence one way or the other as to whether the historical Jesus who lived during the first century A.D. had actually been a wedded man. That didn’t faze the talking heads, who wanted to explore sexier topics: Was *The Da Vinci Code* nonfiction after all? Would the Catholic church drop its requirement that its priests be celibate now that it appeared that its founder wasn’t? What did it mean theologically for the Son of God to have a human spouse?

Few of those newspaper columnists and TV pundits had likely read King’s submission to the *Harvard Theological Review*, but if they had, they would have discovered that King had engaged in quite a bit of grandiose speculation of her own, considering the small size of the papyrus scrap in question. In her very first sentence she declared confidently that the fragment had come from a larger fourth-century Coptic “codex”—an entire handwritten papyrus book. She also asserted that the “Gospel” of which the scrap was a part had consisted of a now-lost “dialogue between Jesus and his disciples” that had probably been composed, possibly in Greek, during the second century, 150 years or so after Jesus’ death.

That period marked the heyday of Gnosticism, an intellectualized amalgam of Christianity and Neoplatonism that orthodox Christian leaders condemned because it turned Jesus into a kind of Zen spiritual master and denied the physical reality of his resurrection from the dead. The city of Alexandria was an important Gnostic center, and many second-century Gnostic documents were translated from their original Greek into Coptic. Since the late nineteenth century, a host of fourth- and fifth-century papyrus documents

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*Charlotte Allen, a frequent contributor to THE WEEKLY STANDARD, is the author of The Human Christ: The Search for the Historical Jesus.*



in Coptic containing Gnostic and Gnostic-like writings have surfaced in Egypt. Princeton religion scholar Elaine Pagels's runaway 1979 bestseller, *The Gnostic Gospels*, popularized a trove of fourth-century Coptic codices found near Nag Hammadi in Egypt in 1945 and created a whole new intellectual audience for the "diverse" and spiritualized Christianity that Pagels said the newly discovered gospels represented.

In 2003 King published *The Gospel of Mary of Magdala: Jesus and the First Woman Apostle*, about another long-lost Coptic writing, the Gospel of Mary. She concluded that the "Mary" mentioned in that document had to be the New Testament's Mary Magdalene, even though the text of the Gospel of Mary doesn't specifically identify her as such. King also argued that the Gospel of Mary—actually a dialogue between Jesus and his disciples like many other Gnostic texts—represented a tradition that stretched back to the earthly lifetime of Jesus himself. King's book was another bestseller, capitalizing on feminist enthusiasm for the Magdalene as an intimate of Jesus whose importance, some feminist scholars maintain, was suppressed by early churchmen who wanted an all-male Christian clergy.

Sure enough, the "Jesus' wife" fragment unveiled by King contains tantalizing parallels to themes in Gnostic codices. Although none of its eight scratchy lines forms a complete sentence, it contains, besides the "my wife" clause, such phrases as "my mother," "the disciples said to Jesus," "Mary is worthy of it," "she will be able to be my disciple," and "I dwell with her." That seemed to be enough for King, who once again decided that the unidentified "Mary" was the Magdalene. "The Gospel of Jesus's Wife makes it possible to speak with certainty of the existence of a tradition affirming that Jesus was married (probably to Mary Magdalene), and it is highly probable that this tradition dates to the second half of the second century," she wrote. She argued that the "Jesus' wife" text was part of an ongoing theological debate among Christian groups, starting in the second century, over proper attitudes toward marriage and sexual desire, with some Gnostics having a more pro-sex, pro-marriage stance than their orthodox opponents.

Perhaps because of the sudden press spotlight on the 2012 Rome conference, or perhaps because the academics there were disgruntled that King had apparently chosen to share her find with the *New York Times* and the Smithsonian before releasing it to the scrutiny of most of her fellow scholars, the reaction in Rome to the "Jesus' wife" fragment was overwhelmingly incredulous and hostile.

For one thing, the papyrus scrap had no provenance. It

had belonged to a private collector who wished to remain anonymous, and it seemed to have surfaced only a few decades (if that) before the collector bought it in 1999 on the assurance of some earlier correspondence apparently involving two now-deceased professors at a German university. According to King, the collector delivered the fragment to her in December 2011. She consulted two other scholars: AnneMarie Luijendijk, a papyrologist at Princeton, and Roger Bagnall, director of New York University's Institute for the Study of the Ancient World and regarded as the dean of world papyrological studies. It was Bagnall who judged the fragment to date authentically from the fourth century, on the basis of his paleographic analysis of its handwriting. The *Harvard Theological Review* had passed King's draft article to three peer reviewers and then to Ariel



*The Jesus' wife fragment, shown slightly larger than its actual size*

Shisha-Halevy, a specialist in Coptic linguistics at Hebrew University in Jerusalem. Those were the only Coptologists known to have viewed either the fragment itself or photographs of it before September 18, 2012.

On September 19, just a day after its unveiling, Christian Askeland, now a research professor of Christian origins at Indiana Wesleyan University, conducted a poll of his confrères at the conference and found that two-thirds of them doubted the fragment's authenticity and one-third deemed it an outright forgery. Some pointed to the crude Coptic letters that looked as though they had been applied with a brush instead of the reed pen that ancient scribes used (Bagnall has since maintained that the scribe might have used a broken pen). Others pointed to grammatical errors in the text itself (something that Shisha-Halevy had also noted).

Around the same time Francis Watson, a theology and religion professor at Durham University, looked at an online photograph of the "Jesus' wife" fragment and noticed that whole phrases in it were identical to phrases in the Gospel of Thomas, the best-known and most widely reprinted of the Nag Hammadi texts. On September 20 Watson published an eight-page online article titled "The Gospel of

Jesus' Wife: How a fake Gospel-Fragment was composed." His theory was that a forger who knew some Coptic and had access to a printed text of Thomas (one was published in 1970) got hold of an old piece of papyrus and confected a text out of bits and pieces from the well-known Gnostic text. Other scholars found even more word-for-word correspondences between Thomas and the "Jesus' wife" fragment, until it appeared that the only original word in the fragment was *tahime*, the Coptic word for "wife."

And so, while the "Jesus' wife" story lived on for weeks in the news, with people wondering whether Dan Brown had been on to something when he hitched Jesus and Mary Magdalene in *The Da Vinci Code*, or speculating whether a married Jesus could still be one's lord and savior, it seemed to die a quiet death at Harvard. Some Coptic scholars continued to defend the fragment's authenticity, but the *Harvard Theological Review* announced that it would delay publication of King's article until both the papyrus and the ink had undergone scientific testing, and the Smithsonian canceled the airing of its television documentary. Complete silence followed, for more than a year and a half, during which some scholars wondered whether Harvard was quietly hoping that everyone would forget about Karen King's Coptic scrap.

**B**ut the story of Jesus' wife is a Christian story, in a sense, and so it contains a resurrection. Two weeks ago, on April 10, in a manner reminiscent of King's carefully controlled original unveiling of the fragment, the Harvard Divinity School issued a press release declaring that a "wide range of scientific testing indicates that a papyrus fragment containing the words 'Jesus said to them my wife' is an ancient document" and that "its contents may have been composed as early as the second to fourth centuries." Harvard had given an advance viewing of the test results and an interview with King to reporters for just three newspapers—the *New York Times*, the *Boston Globe*, and the Harvard student newspaper, the *Crimson*—on condition that they embargo their stories until April 10, the date of the press release and also the release, at last, of King's article, this time in the April issue of the *Harvard Theological Review* (the Smithsonian documentary will finally air on May 5). The press release and a packet of scientific studies appended to King's article also stated that tests conducted at Columbia University indicated that the chemical composition of the ink, a carbon-based substance made from lampblack, matched that of the ink on other ancient papyrus writings. The *Globe's* online headline duly declared: "No evidence of modern forgery in ancient text mentioning 'Jesus' wife.'"

Nonetheless, the scientific results have raised more questions than they've answered, especially within the cohort of

scholars who were already convinced that the fragment was a modern forgery. For one thing, the papyrus scrap qualifies as "ancient" only if you count the Middle Ages as "ancient." The scrap's fibers were carbon-dated twice. An analysis conducted at the University of Arizona during the summer of 2012 yielded a date range for the papyrus of between 405 and 209 B.C. That would have automatically meant that the document was a forgery. The papyrus was retested by Harvard biologist Noreen Tuross just a few months ago, in January and February 2014. Tuross found that the "Jesus' wife" papyrus dated from between 681 A.D. and 877 A.D., with a median, or most probable, date of 741 A.D.

To put the 740s into a historical context, that was the decade in which Charlemagne was born. Egypt, hitherto part of the Roman and later the Byzantine empire, had been invaded and conquered by Muslims in 639. By the 700s, the official language of Egypt was Arabic, not Coptic or Greek. It was a very different world from the Egyptian world of the fourth century, much less the second century, and it is hard to imagine Gnostic intellectuals debating marriage and sexuality at a time when the Copts were engaging in a series of unsuccessful rebellions against Egypt's Islamic rulers.

Furthermore, those skeptical of the authenticity of the "Jesus' wife" text have never rested their case on the age of the papyrus itself. "Anyone can get hold of old papyrus," Janet Timbie, a Coptologist teaching in the Semitic and Egyptian languages department at the Catholic University of America, told me in a telephone interview (Timbie was at the Rome conference where King delivered her paper). She added: "We have some right here in our department."

The results of the ink testing are similarly problematic. The ink could not be carbon-dated using current technology without destroying the tiny piece of papyrus, so the Columbia test results merely confirmed the ink's ancient-style composition, very different from that of modern lampblack, not the ink's age. An amateur forger probably wouldn't be able to replicate ancient ink, but a skilled professional might be able to do so, possibly by scraping off and then rehydrating ink from existing papyri.

A second paleographic analysis (after Bagnall's) of the handwriting on the fragment, by Malcolm Choat, an expert on fourth-century Coptic scripts at Macquarie University in Sydney, Australia, yielded equivocal results. In a brief article, Choat declared that he had been unable to find a "smoking gun" indicating that the text wasn't written "in antiquity," but he added, "nor can such a . . . [paleographic] examination prove that it is genuine." Choat did say that the scrawled handwriting on the fragment was too "informal" for a literary text—such as a gospel—but it could have been used to write a nonliterary magical or school text.

For these reasons, neither Askeland nor Watson has retracted his position that the fragment is a forgery, and

both have blogged scathingly to that effect. Watson has been especially critical of the Harvard Divinity School's overhyping press release, which failed to mention Choat's extreme ambivalence about the fragment's authenticity. In an email to me Watson wrote: "It's to be expected that a forger would work with an old piece of papyrus, so even a reliable dating to say the 4th century A.D. would tell us absolutely nothing about the date of the writing. The same is true of analysis of the composition of the ink. So as far as I can see, there's nothing new here."

The most acrid denunciation came from Leo Depuydt, a professor of Egyptology at Brown University who wrote a 19-page article in the *Harvard Theological Review*, a kind of rejoinder to King's article, in which he declared that he was "personally 100% convinced that the Wife of Jesus fragment is a forgery" cribbed from the Gospel of Thomas. Depuydt speculated that the alleged forger had been motivated by a desire to "make points of a theological kind" about Jesus' celibacy and other traditional Christian beliefs about him. Unlike the careful-with-the-press Karen King, who did not respond to my emailed request for an interview, Depuydt neither hoards nor minces words. In an hour-long telephone conversation with me, he pronounced the choppy, seemingly non sequitur clauses of the fragment "mumbo-jumbo." He explained: "I'm a grammarian—I've written a grammar of Middle Egyptian. I did my doctorate in Coptic manuscripts at Yale. This is unlike anything you see in a Coptic literary text. The people who wrote Coptic literary texts wrote fully grammatically. Reading one of those texts is like reading the *New York Times*." Depuydt characterized King's lengthy interpretive analysis of the context of the fragment and its supposed place in early Christian thought as "overkill."

And indeed King herself might have decided that she had indulged in some overkill, at least the first time around. The 28-page version of her article in the April 2014 issue of the *Harvard Theological Review* bears only a passing, severely downsized resemblance to the version that had been scheduled for publication in January 2013. Even the subtitle is different: "A New Coptic Papyrus Fragment" instead of "A New Coptic Gospel Papyrus." Gone is any claim that the fragment is a portion of a larger "gospel" or other formal literary codex. King now speculates, probably taking a hint from Choat, that the papyrus scrap might have been an "amulet," a charm against demons, an "aide-mémoire or even a practice text." Gone is any definitive effort to identify the "Mary" mentioned in the fragment with Mary Magdalene (although she could have been, King maintains). And most significantly, gone is the assertion that there was likely an early Christian "tradition" that Jesus was actually married—a linchpin of King's earlier draft. Instead, King modestly maintains that "the

main point of the *GfW* fragment is simply to affirm that women who are wives and mothers can be Jesus' disciples."

Speaking of mothers, the entire "Jesus' wife" episode calls to mind another ancient text: Aesop's fable about the mountain that goes into rumbling labor but disgorges only a mouse. If accurate scientific dating of the "Jesus' wife" fragment was central to its publication—as it certainly should have been, given the scrap's shadowy provenance—why were no carbon and chemical tests run on the papyrus until *after* King had presented her paper at a major scholarly conference and it was about to go to press as an article in a major theological journal? Why was the entire publication process carried out in near-secrecy and then stage-managed in a way that made it look like a publicity stunt for the benefit of a Smithsonian television special? What does this say about the careful standards of scholarship that are supposed to characterize a premier research university with unlimited resources such as Harvard?

I emailed Roger Bagnall at NYU, the only expert whom King consulted between December 2011 and September 2012 for the purpose of determining the fragment's authenticity—and that solely on the basis of its handwriting. My question had to do with what Bagnall made of the carbon-dating of the papyrus to the eighth century and not the fourth as he had earlier concluded. He emailed this reply:

As to the handwriting, it is not possible date [sic] with confidence a very rudimentary hand. . . . It is the sort of handwriting acquired at a very early stage of education, and it does not change much over the centuries. The closest analogues that I have been able to discover have been dated to the late fourth or early fifth century. . . . It is indeed interesting to find this type of hand turning up in something from 2-3 centuries later; it raises questions that at present I can't see a way of answering.

In other words, no one connected to the "Jesus' wife" fragment can account for the presence of fourth-century Gnostic or Gnostic-derived material on an eighth-century papyrus sheet manufactured long after much of Egypt had become Islamic—as even Karen King concedes in an afterword to her published article.

"For my dissertation I catalogued all the Coptic manuscripts in the Pierpont Morgan Library," Leo Depuydt said in our phone conversation. "I've never seen a Gnostic text later than the fifth century. Gnosticism must have vanished after the fifth century. The fourth century was the great century of Christianization. In the year 300 in Egypt everyone lived side by side: pagans and Christians and Gnostics. By the end of the fourth century Christians were persecuting pagans and Manicheans and Gnostics. By 425, it was like medieval France, where everybody's a Catholic. I've never seen any evidence of any Gnostic sects surviving past then." ♦





'Departure' (1932) by Max Beckmann

# The Evil of Banality

*On the Nazi perversion of art.* BY JAMES GARDNER

*New York*  
It seems a little weird to find Adolf Hitler even mentioning the word "Dada," let alone offering his considered opinion of that vague and anarchic movement. But so he did in a speech delivered in Munich in 1937 that officially opened the Great German Art Exhibition. "Sixty years ago," he declared, "an exhibition of so-called Dadaist experiences would

*James Gardner is the translator, most recently, of Girolamo Fracastoro's Latin Poetry for the I Tatti Renaissance Library (Harvard).*

**Degenerate Art**  
*The Attack on Modern Art*  
*in Nazi Germany, 1937*  
Neue Galerie  
Through June 30

have seemed simply impossible, and its organizers would have ended up in the madhouse, whereas today they even live in artists' associations!"

The exhibition in question was mounted by the state to offer Germans a healthy, muscular alternative to the neurotic enormities of Expressionism,

which, it was thought, had endangered the nation's well-being during the Weimar Republic. In theory, this show sought to promote paintings and sculptures based on the "Greco-Nordic" models that were seen as having inspired everyone from the Athenians and the Romans to Michelangelo and Dürer. In practice, it served up blond *Übermenschen* gazing purposively into wheat fields while pigtailed Rhine maidens posed in various stages of undress.

At the same time this exhibition was getting underway, however, a far

THE MUSEUM OF MODERN ART / SCALA / ART RESOURCE, NY

more infamous show, hastily assembled almost as an afterthought, opened a few doors down. It was titled “*Entartete Kunst*,” or “Degenerate Art,” and was surely one of the strangest shows ever mounted.

Implicitly, art exhibitions have always invited the public to enter and admire the objects on view. Here, however, that same public was actively encouraged to mock the art. Among the painters included in the show were such pillars of Modernism as Oskar Kokoschka, Emil Nolde, Paul Klee, and Max Beckmann, as well as foreigners like Wassily Kandinsky and Marc Chagall. Along the walls, visitors were greeted by labels that drew their attention to the “Insolent mockery of the Divine under Centrist rule,” the “Revelation of the Jewish racial soul,” and “An insult to German womanhood.”

This new show at the Neue Galerie in Manhattan seeks to re-create “Degenerate Art” by reassembling about 75 of the 650 works in the original exhibition. Much of the art is of the highest quality and would deserve to be seen for that reason alone. But the main interest of this particular display of German Expressionism, of course, is its earlier Nazi context.

Perhaps inadvertently, this new exhibition reveals one of the anomalies of National Socialism: It placed far more importance on culture in general, and on visual culture specifically, than did any of the 20th century’s other totalitarian regimes. Even though all of these regimes were, to a greater or lesser degree, alert to culture’s unique ability to sway the masses, only the Nazis went so far as to try to alter the taste of an entire nation. Only the Nazis seemed to believe that everything was at stake in crushing one style and exalting another. It was as though, in their totalizing worldview, simply to coexist with a painting by Kandinsky or a sculpture by Ernst Barlach constituted an intolerable threat.

And yet the Nazis’ engagement with visual art was rather complicated and cannot be reduced to easy generalities. There were divisions in

their ranks: Joseph Goebbels, who fancied himself a man of culture and eagerly sought the esteem of people more cultured than himself, expressed some appreciation for the art that was included in the show. One of Hitler’s favorite painters was Adolph Menzel, a late-19th-century Impressionist of sorts who, as such, was to some degree “infected” by the international avant-garde. Nor should we forget that many members of the Nazi hierarchy eagerly collected Expressionist works, especially after they had been confiscated, or that several eminent Expressionists, especially Nolde, joined the Nazi party in hopes of winning some plum commissions.

Finally, of the many thousands of works confiscated by the Nazis, only a small percentage were destroyed, and most of these were preparatory drawings for paintings. That fact, of course, in no way palliates the Nazis’ barbarism, but it does suggest that they were restrained at least by some sense of the monetary value of the confiscated art, if not by its beauty or its cultural consequence.

Yet, for all that, one cannot dispute that the Nazis hated the Expressionists and eagerly persecuted them, seizing their art, expelling them from university posts, forbidding them to exhibit in public and even to practice their art in private. The reasons for this aversion are readily apparent. The Expressionists represented, in one sense, the supplantation of foreign, and especially French, taste on German art. At the same time, the Expressionists often found their models in non-Western (hence, inferior) civilizations, like those of Africa. Above all, their often-caustic satire and their disgust at the sham heroism and discredited ideals that had provoked the First World War seemed like a body blow to the beau idéal of Nazism.

How ironic, however, that in their desire to purge the nation of this Expressionist threat, the Nazis set out to destroy what was, in fact, the first truly original form of German art (notwithstanding some French influence) to have emerged in nearly five

centuries, since the time of Dürer and the elder Cranach.

Consider Ernst Barlach, who, at the time of the Nazi seizure of power, was one of Germany’s leading cultural figures. Initially, Goebbels was an enthusiastic supporter of Barlach’s sparsely schematic and, at times, almost medieval sculptures: “That is the meaning of expressionism,” Goebbels wrote, “concision intensified into grand depiction.” And yet, a mere 12 years later, a volume of Barlach’s drawings impelled Goebbels to comment that “this is no longer art. This is destruction, talentless sham. Horrible! The poison cannot be allowed into the people!” In short order, Barlach’s public works were removed, if not destroyed. Hundreds of his drawings and sculptures were confiscated from museums; his exhibitions were canceled and his honors revoked.

One does not expect, of course, to encounter moderation or sensitivity among the Nazis. But given the strain of neo-medievalism in their worldview, which complemented their Hellenic longings and even inspired the occasional *bildersturm*, or bonfire of images, it is surprising that the Nazis showed no appreciation for the potentially German medievalism that inspired Barlach’s *Christ and John (The Reunion)* and *The Reader*, both on view here.

Here, one finds none of the effete or sneering mockery of Kokoschka and Richard Gerstl. In its place is an almost aching sincerity that comes very close to that of German Romanesque and German Gothic art. But then, the Nazis were never interested in the finer points of anything.

Nearly 80 years on, it is a source of unending pleasantness to reflect that, although the original Degenerate Art show was mounted in order to pillory some of the foremost artists of the last century, it is now the Nazis themselves who, in the rooms of the Neue Galerie, stand exposed to the mockery that they feared most of all. In the entire history of culture, there is no finer or more emphatic instance of tables having been turned, of an oppressed and outraged class having the last laugh. ♦



# Just Soothsayin'

*The economy acts as predicted. Except when it doesn't.*

BY IRWIN M. STELZER



*Alan Greenspan testifying before Congress (1998)*

**T**he nonpartisan Congressional Budget Office regularly revises its forecast of economic growth, the deficit, and other variables it studies. The economists at the International Monetary Fund likewise periodically revise their forecasts, at one point claiming that “downward revisions to growth forecasts . . . highlight continued fragilities”—which, translated, means: “Our forecasts were wrong because we didn’t foresee weaknesses in various economies.”

Recently released minutes of meetings of Federal Reserve Board policymakers show that they were musing about the dangers of inflation just as the failure of Lehman Brothers was about to shake the world financial system to its core and tip the world into a deep recession. And, more recently, Janet Yellen, newly ensconced in the

*Irwin M. Stelzer, a contributing editor to THE WEEKLY STANDARD, is a columnist for the Sunday Times (London).*

**Fortune Tellers**  
*The Story of America's First Economic Forecasters*  
by Walter A. Friedman  
Princeton, 288 pp., \$29.95

**Models. Behaving. Badly.**  
*Why Confusing Illusion with Reality Can Lead to Disaster, on Wall Street and in Life*  
by Emanuel Derman  
Free Press, 240 pp., \$16

chairman’s seat at the Fed, told the Senate that she can’t yet tell whether some new economic data reflect slowing or snowing, but that she would soon huddle with her staff and policymakers to try to “get a handle” on it.

There’s more, but you get the idea: Economic forecasting involves peering through the windshield in an effort to see where the road is taking us, remaining alert to be able to change course at the emergence of the latest bit of economic data. Don’t

blame economists: Those who are in the forecasting business are responding to the market’s demand for some guidance as to whether to buy or sell, build or pile up cash, hire or fire, or, in the case of policymakers, whether to raise or lower interest rates, step up government spending at the expense of higher deficits, or retire government debt. These poor souls must not only peer through heavy fog as they appraise the road ahead, but they must do so even though the rearview mirror is equally fogged, with frequent revisions to data purporting to tell something about past performance.

“Economists,” reports the *Economist*, “are notoriously bad at predicting sudden turning-points in global growth.” And, the writer might have added, much else. The good news for economists is that their continued failures only whet corporate appetites for more. As the *Wall Street Journal* reports, “With more data available than ever before and markets increasingly unpredictable, U.S. companies—from manufacturers to banks and pharmaceutical companies—are expanding their corporate economist staffs.” But before concluding that, for economists, nothing succeeds like failure, take a look at two books that, between them, serve as a history of economic forecasting: Walter A. Friedman’s *Fortune Tellers* is true to its title, while Emanuel Derman’s *Models. Behaving. Badly.* paints a picture, warts and all, of the current state of play in the forecasting business.

Friedman traces the careers of Roger Babson, Irving Fisher, John Moody, C.J. Bullock, and Warren Persons, men who thrived in the boom years following World War I, thanks to what Friedman calls “the inherent wish of human beings to find certainty in life by knowing the future,” but who failed to predict the Great Depression. (Oddly, or not, Babson, Fisher, and Persons all contracted tuberculosis: In the days preceding the discovery of antibiotics, the responsiveness of the disease to recommended cures such as lots of fresh air was disconcertingly unpredictable.)

Readers interested in the details of these prognosticators’ lives, careers,

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and methods are in for a treat, as Friedman writes with a combination of accuracy and dramatic flair. Others might benefit from his comparison of those early days of forecasting to the situation today. Friedman concedes that today's globalized economy is more complex, the amount of data available to today's economists infinitely greater, and the volume of transactions a multiple of what it was in the days of his early "fortune tellers." But the desire for certainty remains. And when forecasts go wrong, the cast of characters and the blame game that has gone on since the 2008 financial upheaval seem amusingly similar. Then, it was Yale's Irving Fisher; now, it is Yale's Robert Schiller—the difference being that Fisher did not see the Great Depression coming, while Schiller did predict the Great Recession. In 1930, the press "blamed the Harvard Economic Society for promoting false optimism"; in 2008, the *Financial Times* ran a piece titled "Blame It on Harvard."

[I]n the recent crisis the pioneer methods of prediction—using historical patterns, mathematical models, expectations, and empirical analogies—each continue to have purveyors and believers. . . . The events leading up to 2008 revealed a similar account of the mistaken hubris of investors in the 1920s. . . . Both episodes, then and now, emphasize the important role that skepticism should play in evaluating rosy economic scenarios and the promises of market gurus.

This caution is repeated by Derman, who comes to his views the hard way, by experience, rather than by studying history, which is Friedman's vocation at the Harvard Business School. Derman was chief "quant" at Goldman Sachs and remains in the game as a principal in KKR Prisma, which "manages hedge fund portfolios . . . utilizing [a] . . . quantitative approach to risk management," while directing Columbia University's program in financial engineering. He argues, "The great financial crisis has been marked by the failure of models both qualitative and quantitative. . . . Models are always inaccurate, and

financial models especially so. . . . After more than 20 years of hubris, models collapsed [in 2007]."

By concentrating on these models, Derman brings Friedman's work to the present day, although he spends less time on the biographies of the bright young things sent by business schools and math departments straight to Wall Street. The current crowd of forecasters, notes Friedman, began with an "optimism that was equal to that of the pioneer forecasters . . . [but] like the pioneering generation, would eventually confront harsh economic realities not foreseen by the models, in this case the stagflation of the 1970s. But by that time they, again like the pioneers, had come to enjoy great influence on economic institutions and ideas."

Fortunately, Derman does not spend a great deal of time merely trying to debunk the use of models. After all, to use a layman's description, they do provide the user with a way of putting what-if questions to the modeler. What if interest rates fall rather than rise, as you are predicting? What if the dollar

strengthens rather than weakens? That sort of thing. Instead, Derman walks a middle line between those who would do away with models completely and those "naïve idealists [who] pin their faith on the belief that somewhere just offstage there is a model that will capture the nuances of markets, a model that will do away with the need for common sense." He concludes from his training and experience that models can be useful if the user would only "begin boldly but expect little" and the modelers would "remember as they write their equations . . . the humans behind the equations" and be "humble in applying mathematics to markets."

In short, Derman writes, "You must start with models but then overlay them with common sense and experience." Investors have learned this the hard way in recent years, and they seem prepared to admit it. Policymakers not so much. It is comforting that Janet Yellen describes herself as a "sensible central banker," less comforting that so many policy-making forecasters insist that it is reality that gets it wrong, rather than their forecasts. ♦



# Frost Unplugged

*The greatness revealed in the poet's correspondence.*

BY MICAH MATTIX

In a recent story published in *Harper's*, Joyce Carol Oates imagines what it would have been like for an elderly Robert Frost—fat and drooling—to be interviewed by a young, female college student on his front porch in 1951. The student adores Frost at first, but as she speaks with him, she discovers that he is a misogynistic pervert who prefers fawning adoration to intelligent dialogue.

Midway through the story, after rejecting Frost's unwanted advances,

*Micah Mattix is assistant professor of literature at Houston Baptist University.*

## The Letters of Robert Frost

Volume 1: 1886-1920

edited by Donald Sheehy,

Mark Richardson, and Robert Faggen

Belknap, 848 pp., \$45

she turns on the poet and berates him for nearly two pages for his unenlightened attitude towards women and his bigotry towards nonwhites. In one passage, she tells Frost that "The Gift Outright" seems "to endorse manifest destiny" and "totally excludes native Americans"—"the numerous tribes of Indians," she explains, in

case the poet had not heard of a term that would not be widely used until 20 years after his death, “who lived in North America long before the European settlers arrived.” Of course, Frost is unable to withstand such blistering intelligence. He stammers as he flees the porch and falls into the mud. *Fin*.

It’s a piece of fiction, of course, and not a very good one; but Joyce Carol Oates suggests that the portrait is at least partly true when she notes that it is “based on (limited, selected)

he is “one of the few artists writing.” He touts the success of his first two books of poems to American publishers and friends. (Frost published both *A Boy’s Will* and *North of Boston* in England with David Nutt and Company, in 1913 and 1914, respectively.) *North of Boston* is “epoch making,” he writes in one letter, and he boasts in another that reviews of the book “have all been ridiculously favorable.”

But this early tub-thumping disappears as Frost begins to gain a wider audience. “I’m rather pleased to have

New York and Boston magazines. But his two years in England would mark the beginning of a long, successful poetic career.

He didn’t care for England at first. It was muddy, poor, and marked by an odd preoccupation with fairies. (“Mrs. Frost and I were at a play,” he writes in 1913, “in which we were asked point blank to profess our faith not only in fairies, but in devils and black art as well.”) But the country grew on him. He met William Butler Yeats and Ezra Pound, Wilfrid Gibson, and, of course, Edward Thomas, whom Frost called his “only brother” and who died in the First World War. When Frost left to return to the United States, he wrote, “England has become half my native land.”

Readers familiar with Frost’s prose will recognize some of his later, more formal, remarks on his poetry in these early letters. It is in a 1913 letter to Bartlett that Frost first writes that he hopes “to make music” out of “the sound of sense”—the tone, syntax, and “speech-rhythm” of a language. In 1914, he tells Sidney Cox that poetry is an oral art: “The living part of a poem,” he writes, “is the intonation. . . . Words exist in the mouth, not in books.”

He also offers some frank confessions. Commenting on his poem “The Black Cottage,” he writes, “I make it a rule not to take any ‘character’s’ side in anything I write.” He explains that the line *The fact is the sweetest dream that labor knows* from “Mowing” is “charged with pragmatism.” He is surprised that his “versification seems to bother people more than I should have expected,” and he tells Louis Untermeyer in 1916 that “the poet in me died nearly ten years ago.”

It is in these letters, too, that we have Frost’s famous remark that “nothing is quite honest that is not commercial.” Frost mentions this twice. The first time, he immediately adds, “I don’t put it that everything commercial is honest.” A few days later, Frost explains that commercial success is a sign that his poetry is “honest,” because men are willing to work and pay for it. “Nothing is



Robert Frost and his son Carol (1916)

historical research” and cites Jeffrey Meyers’s 1996 biography of the poet as a source. Of course, Meyers’s biography draws heavily from Lawrence Thompson’s biased portrait of Frost as a self-absorbed, vindictive ogre; but while Thompson’s treatment of Frost has been debunked by William H. Pritchard, Jay Parini, and others, the image of Frost as a “monster of egotism” (as Helen Vendler put it) remains in certain circles—and surfaces from time to time, such as in Oates’s story.

The first of what will be four volumes of Frost’s letters puts another nail in Lawrence Thompson’s coffin. Frost, like most artists and other men of talent, had a high view of his work. In an early letter, he tells his friend and former student John Bartlett that

attained to a position,” he confesses to Edwin Arlington Robinson in 1915, “where I don’t have to admire my work as much as I had to when no one else admired it.” Overall, the letters show Frost to be a mature artist, a good friend, and a caring husband and father.

While the volume contains a few boyhood letters, the majority of the correspondence here is from 1912 to 1920. Frost married Elinor White in 1895, and for nearly 20 years, he wrote poetry in the evenings while variously farming, studying at Harvard, and working as a journalist and teacher. In 1912, the Frosts moved to England with their four children; there, he devoted himself to writing full-time. Until then, Frost had only published a handful of poems in small

true,” he writes, “except as a man or men adhere to it—to live for it, spend themselves on it.”

Frost didn’t write *for* his audience. He was no country bumpkin, as he sometimes affected. He worried about being “ruined” by his audience. “I am made too self-conscious by the comment on my first book to think of showing another like it for some time,” he confessed. But he did want to be widely read by “all sorts and kinds” of people, because that would mean that what he had written was art, not just confection.

The larger context of these remarks, interestingly enough, is Frost’s feud with Ezra Pound. Frost first met Pound in 1913, and though the two poets were friends at first, the relationship quickly soured. Pound lauded *A Boy’s Will*, but Frost became concerned that Pound would ruin his opportunities with an American audience by making him out to be another expatriate artist rejected by his own country. “Nothing could be more unfair,” Frost writes, “nothing better calculated to make me an exile for life.”

Frost wanted to reach a wide, particularly American, audience with his poetry. “I could never make a merit of being caviar to the crowd the way my quasi-friend Pound does,” he writes. “I want to reach out.” Frost saw Pound’s poetry as superficially elitist and occasionally needled Pound for his pretension. “Someone says,” Frost writes with evident delight, “he looks altogether too much like a poet to be a poet.” While Pound would go on to call Frost “a bloated capitalist,” Frost was somewhat more long-suffering, ignoring the comment and Pound from that moment on.

Of course, Frost was no saint; but these letters nevertheless show him to be a faithful friend, a good husband, and a caring father. He certainly was not a misogynist. He was deeply concerned for Elinor after she had a miscarriage in 1915, and he complained to Louis Untermeyer about Amy Lowell’s description of his wife in an essay about him. Frost is angered that Lowell makes Elinor out to be “the conventional helpmeet of genius.”

Catch her getting any satisfaction out of what her housekeeping may have done to feed a poet! Rats! She hates housekeeping. She has worked because the work has piled on top of her. But she hasn’t pretended to like housework even for my sake. If she has liked anything it has been what I may call living it on the high. She’s especially wary of honors that derogate from the poetic life she fancies us living. What a cheap common unindividualized picture Amy makes of her.

He dotes on his first daughter, Lesley, and writes her long, encouraging,

fatherly letters while she is away at college. There are more letters to come in future volumes, but the editors suggest that they contain little that will change the image of Frost as husband and family man that appears here.

While bulky and collected, in part, for the Frost scholar, the introduction, chronology, index of correspondents, and helpful contextual notes make these letters both accessible and enjoyable for anyone interested in Frost. How could it be otherwise for a poet who always wrote for the many and the few? ♦

BCA

# Beijing Rising

*The Chinese challenge to American supremacy.*

BY DAN BLUMENTHAL

Great power competition and the machinations of revisionist states have returned to international politics with a surprising ferocity. The end of the Cold War was supposed to have ended such anachronisms, but the first decade of the 21st century awoke Americans to the danger still menacing the world. That danger was stateless jihadists in pursuit of ever-greater means of terrorizing. Now, even as Western elites have consigned geopolitical competition to the dustbin of history, big-power rivalry is back. And at a time when sharp-edged statecraft is required, the United States finds itself ill-prepared to play the game.

Of the three major revisionist states, for now, Russia and Iran have been the most aggressive. But China is the strongest and has the greatest potential to upend the geopolitical arrangements that have been paid for in (mostly American) blood and treasure since the end of World

**The Contest of the Century**  
*The New Era of Competition with China—and How America Can Win*  
by Geoff A. Dyer  
Knopf, 320 pp., \$26.95

**Balancing Without Containment**  
*An American Strategy for Managing China*  
by Ashley J. Tellis  
Carnegie Endowment, 90 pp.

War II. Like Moscow and Tehran, Beijing, too, faces manifold obstacles on the road to power and glory. But China’s sheer size, economic dynamism, increasing global interests, long peacetime military buildup, and sheer will to power pose the greatest challenges to the structure of international politics dominated by the United States.

Only a decade ago, those who wrote about the growing competition between China and the United States were dismissed as alarmists, or worse. Since 2009, however, China’s behavior has mainstreamed the “alarmists” and marginalized the “true believers”—the

*Dan Blumenthal is director of Asian studies at the American Enterprise Institute.*



intellectual offspring of Henry Kissinger, who imagined that China would be the one country in world history whose rise would be peaceful. Alas, there is no China exception to the continued drama of history, and the United States needs to prepare itself for a long-term great-power competition.

Geoff Dyer makes three arguments in *The Contest of the Century*. First, China, having accrued more power, has shifted its approach to the world and now perceives the United States as weak. Communist party members are abandoning Deng Xiaoping's guidance to "bide our time and hide our capabilities." According to Dyer, China now "seeks to shape the world according to its own national interests," moving from "rule taker to rule maker."

Second, as it more assertively advances its national interests, China is engaging in a geopolitical competition with the United States. The two countries are "starting to contest the high ground of international politics, from control of the oceans in Asia to the currency that is used in international business." Dyer urges readers to forget the Chinese "bland rhetoric" and the hopeful wishes of "Davos Man" about the future of China: "China's leaders think very much in geopolitical terms and would like to gradually erode the bases of American power."

Dyer's third argument is that the United States is in a strong position to "deflect" the Chinese challenge to our position in the world. He dismisses the idea that a transition of global leadership from a declining America to a rising China is predetermined. He makes his case by assessing the military, political, and economic dimensions of the competition, including the many dilemmas and challenges that China faces in its quest for primacy.

Regarding the Chinese military, Dyer quotes the former head of Pacific Command and director of national intelligence, Dennis Blair, whose analysis is plain and jarring: China's military spends "ninety percent of [its] time . . . thinking about new and interesting ways to sink our ships and shoot down our planes." But the

People's Liberation Army is not only thinking; it is building ships and precision strike- and cyber-warfare capabilities at an astonishing pace. China's leaders are working to push the U.S. Navy back from the "Near Seas"—the South, East, and Yellow Seas closest to China's shores and through which so much of Chinese seaborne traffic passes from the Pacific and Indian oceans.

While the Western Pacific is the center of gravity for the contest of the seas, the Chinese military is also looking to use the Indian Ocean to protect its seaborne traffic. It has developed ports and access agreements with countries like Pakistan and Sri Lanka. The future of these facilities is as yet unclear, but there is little doubt that China is developing the means both to break out into the Indian Ocean and to protect its own maritime supply routes.

While Dyer's description of the dangerous change to the balance of power is convincing, he also wisely identifies the obstacles to Chinese ambitions. In a chapter entitled "The Asian Backlash," he reminds readers that while China may be accreting more power and influence, so are many other countries: India, Vietnam, and Indonesia are all potentially significant strategic players coming into their own. None of these countries wants to live in a region dominated by China, not only because each has haunting historical memories of a Sinosphere, but because each, too, is a postcolonial power that is prickly about its sovereignty and strategic autonomy.

Indeed, the central point of Dyer's chapter on "America's Choices" is: If Washington makes the right choices by using deft diplomacy to win friends and influence people, keeping a continued, if subtle, emphasis on American values and principles, and establishing leadership on trade and the deterrence of Chinese aggression, America will maintain its prime place in Asian geopolitics.

On Dyer's main points, there is nothing with which to disagree. But

when he walks into the debates about military strategy, Dyer wades into a quagmire. For example, in national security circles there is a debate about whether to take the fight to China now or engage in a protracted campaign of naval strangulation, giving China an "ulcer." It is a false debate. A conflict with China would be unlike anything the United States has ever fought: China is a nuclear-armed continental power with massive strategic depth and a dynamic economy that can provide resources for defense. Depending on how, why, and where the conflict began, it could require the full spectrum of our military capabilities: strikes on Chinese military assets, naval strangulation, and the rapid defense of allies.

Dyer also argues that America's economic strangulation of Japan during World War II provides an example of a more promising path to victory over China than hitting mainland targets. But that misreads the Pacific war strategy: During World War II, the United States conducted such intense strategic bombing of the Japanese mainland that General Curtis LeMay famously confessed that he would have been considered a war criminal had America lost. It also would require American nuclear supremacy, another anachronistic idea that even Dyer's hardheaded analysis ignores. Superior nuclear capabilities could deter conflict in the first instance and let Washington control escalation, making some Chinese military options unthinkable.

Dyer falls into the trap of thinking that there is some way to fight China through "indirect approaches," which would keep a conflict limited and manageable. But his own well-conceived argument is that Washington and Beijing are locked in a geopolitical competition: Each country would probably believe that any conflict has a deeper meaning and higher stakes than its immediate cause. During a conflict, flashpoints that seem less consequential in peacetime could take on much greater significance for the global balance of power. And limiting a Sino-U.S. conflict seems implausible:

Rather than an ulcer, Washington would have to induce cardiac arrest to stop Chinese aggression.

That makes it even less possible “to keep Asians from having to choose sides.” This is another trope among Asia watchers: that, somehow, both Beijing and Washington can intensify their competition while other Asian states maintain neutrality. This is unlikely. Both protagonists need Asian countries on their side to win a competition or, if necessary, a conflict with the other.

Still, Dyer convincingly argues that China has many limitations and obstacles to its aspirations as a great power: China’s nationalism is “brittle,” masking weaknesses undermining the Communist party’s legitimacy, and Beijing seems unable to confront its manifold political-economic weaknesses. And in a powerful chapter, Dyer demonstrates how a Chinese “soft power” campaign is doomed to fail because the Chinese system is just not attractive outside China—or to the Chinese themselves. In the end, the United States has the whip hand: Our democratic system assures long-term political stability; we are in the early innings of an energy revolution, driven by entrepreneurship; our primacy is relatively benign; and, if we choose, we can rebuild a military second to none. The big question is whether the United States will translate its strengths into continued power and whether it will use this power wisely to maintain our prime position in the face of a dynamic challenger.

While Geoff Dyer writes with the fluency, accessibility, and keen eye of a journalist, Ashley Tellis makes a similar case with the analytical rigor and practical prescriptions of the policy-maker-scholar. In *Balancing Without Containment*, he sharpens the argument regarding how and why the United States must come out ahead in its contest with China. He sees the increasing Sino-American rift as the latest chapter in the oldest and truest story of international politics: a rising hegemon’s attempt to push aside the prime actor. He writes: “[T]he United States seeks

to protect its global hegemony—as it must to advance its varied national interests—while rising Chinese power is oriented toward eroding American primacy.” American primacy is the biggest obstacle to Chinese visions of national rejuvenation, and, conversely, China’s attempt to “reshape the extant political order” to serve its own interests is the biggest obstacle to continued American primacy.

In his deliberative style and comprehensiveness, Tellis reminds us that international politics has an enduring tragic quality that cannot

ourselves against threats before they arrive on American territory, and the unfettered ability to protect allies and to provide global goods from which we also benefit. China is the challenge to that primacy not only because of its increasing power and prominence but because of its leaders’ starkly different conceptions about what constitutes a good global order.

Tellis terms his policy and strategy prescriptions “balancing without containment.” Any effort to contain China would be counterproductive, as it is a hub of global commerce from



Presidents Xi Jinping, Barack Obama at The Hague (2014)

be wished away by a therapeutic culture susceptible to therapeutic arguments. The greatest obstacles to peace are not “misunderstandings” that can, somehow, be resolved by “confidence-building mechanisms” and “trust-building.” Geopolitics is not marriage counseling. Tellis gets right to the heart of the matter: The United States must retain its global primacy to protect its manifold interests.

Just as in domestic politics, the prime actor in international politics sets the agenda and makes the rules. The agenda and rules that Washington sets are favorable to the principles and interests required by a free society: a world safe for open markets, the free exchange of ideas and commerce, and the development of liberal polities. Primacy also provides us with: strategic autonomy to defend

which all trading countries benefit. But the United States must build a favorable balance of power, and the associated tasks include building a military power second to none, shoring up allies throughout Asia, and enacting domestic economic reforms to facilitate the next wave of economic growth through dominance in innovation. The kind of growth Tellis envisages, incidentally, requires a reckoning with crippling debt.

China’s behavior has aroused the national security elites to understand what analysts like Geoff Dyer and Ashley Tellis have known for years: Washington has to prepare itself for a long, protracted, and complex competition with a sophisticated adversary. We know that China will compete vigorously for power. The big question is whether we will. ♦

# Discount Eyewash

*The coupon as emblem of consumer confidence.*

BY JOE QUEENAN

Until the consumer really, really jumps back into the thick of things, the experts agree that this economy is doomed to sputter. Until the average American believes he has the wherewithal to go out and buy that new house, that new car, that new kitchen, unemployment will stay right where it is. Nothing's going to happen until people start feeling good about the future.

Well, that's one theory. But here's another: The reason the public refuses to loosen its purse strings is that businesses keep putting the wrong things on sale. Like most Americans, I frequent stores that dispense coupons with each purchase I make. Recently, I realized that it had been about eight years since I had redeemed any of these coupons. That's because the coupons always offer me discounts on things I don't want and don't need. I don't mean that they *occasionally* offer me a few cents off of things I don't want and don't need. I mean *always*.

For example, I am forever being tempted with a whopping \$1.50 off my next purchase of eyewash, or \$1 off some off-brand deodorant, or \$2 off AAA batteries. These come-ons are useless; they are bait that few fish will take. I never use eyewash. And even if I did, I probably have gallons of eyewash stored upstairs in the back of the medicine cabinet, probably left over from the days when my Uncle Q, the last person in the family to suffer from seasonal itching, occasionally used eyewash.

The thing with eyewash is, once you've laid in a decent supply, you're set for life. Eyewash isn't like NutraSweet, M&Ms, or tequila; a little dab'll do you.

A society hoping to jumpstart the economy with sales on eyewash is a society about to get a poke in the eye.

The same goes for discount deodorant and bodywash and AAA batteries. Let me come right out and admit it: I don't even know what AAA batteries are for. I honestly don't. I use D batteries in my flashlight and AA batteries in my portable radio, but AAA batteries are not a feature of my electronic landscape. The reason stores are always offering \$2 off the next purchase of AAA batteries is that they have a massive overstock of AAA batteries, stretching back to the Eisenhower administration, and they would like to get some of the stagnant inventory off the books.

As for discounted deodorant—well, the whole problem here is self-evident. If deodorant is being heavily discounted, there must be something wrong with it. The last thing a person wants is to go into an important meeting reeking of cut-rate deodorant. If deodorant is on sale, it's because the deodorant stinks.

The larger point is this: You can't get consumers to shell out serious money to get this economy percolating and slash unemployment if you keep offering discounts on things they don't want or already have. There's only so much mouthwash any one society needs. There's only so much bland, tasteless, low-fiber cereal any society can consume. There is a limit to the amount of heavily discounted shampoo for extra-dry hair that any one society requires. Especially a society in which so many men shave their heads.

Manufacturers and marketers and retailers need to get some perspective here. America doesn't need a buck off the next pair of trousers it takes to the dry cleaners. It doesn't need 50 cents off its next purchase of birdseed or 75 cents

off its next purchase of clothes hangers. It needs three bucks off its next six-pack of beer. It needs \$1.50 off its next bacon double cheeseburger, with extra fries and coleslaw and maybe a milkshake on the side. It needs \$6 off the next trip to the ballpark, \$8 off the next trip to the gas station, \$12 off the next ride on Amtrak. America doesn't need any more cents-off coupons for skin cream, nasal spray, cough lozenges, or frozen broccoli. It needs cents-off coupons for coffee, gas, Jägermeister, college tuition.

I sometimes think that the coupon industry is dominated by unscrupulous sovereign nations that are deliberately trying to keep the American economy in neutral. They're offering discounts on products so pedestrian that they encourage people to stay home and hunker down and hold on to their cash.

It's not just that I fail to use the coupons that are routinely dispensed to me; I actually find these coupons demoralizing. Cents-off coupons for razor models I do not own and toothpastes I will never put in my mouth actually depress me. They make me believe that I am living in a parallel universe where nothing I want to buy will ever go on sale, where I am doomed for all eternity to buy cut-rate exfoliating creams and gross, generic, house-brand dental floss and sickening, low-budget beverages that combine fruits that were never meant to be united in the same receptacle. I feel the same way about those Must-Act-Now-Never-To-Be-Repeated-Weekend-For-Two-Getaways to the Black Hills of South Dakota. Responding to offers like this is probably what got General Custer in trouble in the first place.

Meanwhile, the car of my dreams and the 67-inch 3D television I crave will never, ever go on sale.

One day, the American economy will explode, and the consumer will come on strong. But that day will not arrive until AAA batteries are mothballed, off-brand deodorants are deep-sixed, and heavily discounted eyewashes are a thing of the past. What would really help would be store coupons that read: "FIVE BUCKS OFF YOUR NEXT PURCHASE OF ANYTHING. NO, MAKE THAT 20 BUCKS. OH, HELL, BUY ONE AND GET SIX FREE." ♦

*Joe Queenan is the author, most recently, of One for the Books.*



# Bullets Over Berkeley

*Science fiction plus magic equals disaster.*

BY JOHN PODHORETZ



Johnny Depp

In 1962, Arthur C. Clarke famously observed that “any sufficiently advanced technology is indistinguishable from magic.” This observation is both brilliantly true and wildly overblown: After all, for many of us, even the most basic technologies, even those hundreds of years old, are still nearly supernatural. While Google’s reach is surreal in its speed and breadth, and the GPS terrifying in its geographical omniscience, in the end, they have the same origins as an 18th-century watch. They were built by men, and they can be taken apart by men.

Clarke’s observation was a liberating one for purveyors of speculative fiction, and not in a good way. Just as William Goldman’s aphorism that “nobody knows anything” about what makes a movie successful perversely freed Hollywood producers from a sense that they would probably be better off making something good than something bad, Clarke freed his fellow science-fictionists from the limitations that are actually necessary for the construction of a believable plot.

Science fiction works when it features a realistic extrapolation from the

## Transcendence

Directed by Wally Pfister



present. The introduction of magic is the death of any credible storyline, because it alters the basis on which the story has operated up to that point. It gets the storyteller out of a jam, but it violates the essential contract between him and the person to whom he is telling the story.

This is why the promising new Johnny Depp movie *Transcendence* turns out to be such a disaster. Depp, a brilliant scientist, has been working on developing artificial intelligence in a Berkeley lab, where some other guy is doing something to a monkey. There’s a Luddite conspiracy at work, and it manages to poison the monkey scientist while he is delivering a TED talk about how men will soon become like gods.

Then one of the Luddite terrorists shoots Depp with a bullet laced with radiation. Death is certain. But it turns out that the monkey scientist had actually figured out how to upload the monkey’s mind into a computer, and Depp’s grief-stricken wife decides she can do the same for Depp’s mind.

So Depp now resides inside a computer—only, because of the Internet, he can go anywhere. The standard-issue result of the too-smart computer is that it poses a threat to mankind through its manipulation of other computers. You can see where this is going. But movies have been going there since *Colossus: The Forbin Project* (1970), which was the kind of provocative but cheap B-movie sci-fi I grew up on in the days before special effects.

Then things start to happen that could never, and will never, happen. In a matter of weeks, Depp’s computer has somehow arranged for the construction of a gigantic underground lair in a dumpy desert town, using a workforce of about six people and without anybody in Washington knowing it’s going on. I’m talking about hallways two miles long, with thousands of servers, hygienic operating rooms, elevators, and all kinds of things it would take years to build.

And not just that. Suddenly, Depp the Computer has mastered the field of nanotechnology, because he’s just so smart. One of his workers nearly dies; Depp heals him with nanites. While he does so, he also “networks” the worker’s brain with his own. And then he does the same to other people. They can lift things that weigh 800 pounds and run 100 miles an hour. And Depp can inhabit their bodies. And resurrect them from the dead. And control them like robots.

How does being part of a networked computer translate into suddenly being able to make the dead rise? The answer, in Twitterspeak, is “because nanotechnology.” *Transcendence* goes from being a cautionary tale about overreliance on computers to a witless fantasy in which all the elementary rules go out the window. As depicted here, nanotechnology is not “indistinguishable from magic.” It’s just magic with more letters.

Intermittently a great actor, Johnny Depp walks through this thing as though *he* were a robot—though one controlled not by any higher intelligence, but rather by his \$20 million paycheck. After sitting through this stinker, I felt like I deserved \$20 million in compensation. I blame Arthur C. Clarke. ♦

WARNER BROS.

John Podhoretz, editor of Commentary, is THE WEEKLY STANDARD’s movie critic.

**"Former Supreme Court justice John Paul Stevens wants to reduce gun violence, abolish the death penalty, restrict political campaign spending, limit states' independence and make Congress more competitive and less combative. His solution: Amend the Constitution. . . ."**

**—USA Today, April 21, 2014**

**PARODY**

*AMENDMENT XXVIII ("The Stevens Amendment")*

1. *The First Amendment to the Constitution is hereby repealed.*
2. *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. But it may, from time to time, abridge the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances, if said rights promote social and economic inequality, or create a hostile environment within the boundaries of the United States, by judgment of a Commission, comprising not less than two, and not more than five, members appointed by the President from the ranks of (a) the faculty of Brandeis University in the Commonwealth of Massachusetts, (b) the Pulitzer board in the City of New York, and (c) the board of directors of the American Society of Newspaper Editors.*
3. *The Second Amendment to the Constitution is hereby repealed.*
4. *A well regulated Militia, being unnecessary to the security of a free State, the right of the people to keep and bear Arms, shall be infringed by judgment of a Commission, comprising not less than two, and not more than five, members appointed by the President from the ranks of (a) the faculty of Harvard College in the Commonwealth of Massachusetts, (b) the board of trustees of WGBH-TV in the aforementioned Commonwealth, and (c) the Moderator of the Unitarian Universalist Association in the aforementioned Commonwealth.*
5. *The Tenth Amendment to the Constitution is hereby repealed.*
6. *The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the Democratic President, or to the Democratic members of Congress, in accordance with the judgment of the President in consultation with the aforementioned members of Congress.*
7. *The foregoing clauses (2 and 4) shall be suspended in the event that the incumbent President is a member of any political party other than the aforementioned Democratic Party.*